# REPORT ON WIFE ASSAULT & SEXUAL ASSAULT

for the

# VICTIMS OF CRIME MONITORING & EVALUATION STUDY

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# I. INTRODUCTION

## A. Background

### 1. THE STUDY FOR THE PLANNING OF VICTIM ASSISTANCE SERVICES ON P.E.I.

In April of 1983, the Ministry of the Solicitor General commissioned Abt Associates of Canada to carry out the Study for the Planning of Victim Assistance Services on P.E.I.

The conduct of this study was guided by the P.E.I. Department of Justice, the Research Division of the Ministry of the Solicitor General and the P.E.I. Committee on Victim Assistance (P.E.I.C.V.A.). P.E.I.C.V.A. membership included representatives of the R.C.M.P., the P.E.I. Department of Justice, the P.E.I. Department of Health and Social Services, Provincial Court (both Judges and Crown Prosecutors), the Transition House Association, the P.E.I. Rape and Sexual Assault Centre, the Federation of P.E.I. Municipalities, the Justice Resource Service and the Consultation Centre (Solicitor General).

The reports resulting from this Study were released in March, 1984. The following sections summarize the major findings concerning wife assault victims, the general conclusion, and the 21 recommendations resulting from the Study.

## 2. MAJOR FINDINGS & GENERAL CONCLUSION

The Study for the Planning of Victim Assistance Services on P.E.I. included surveys of general victims, victims of wife assault, commercial/institutional victims, and subpoenaed Crown witness. Victims of sexual assault were not considered as a separate population, but were included in the general victims survey.

The following are the major findings regarding wife assault victims:

- Both police records and the staff of Anderson House (a shelter for wife assault victims) were used to identify potential interviewees. Thirty-four wife assault victims were interviewed.

- Fifteen wife assault victims (44%) reported that they were only threatened verbally during the incident in question while seventeen (50%) were either punched, kicked or slapped.

- Alcohol abuse was a frequently reported factor precipitating wife assaults.

- Of the 11 police-referred victims, only two (18%) were living with their assailants at the time of the incident; of these one left and stayed at Anderson House. Only one police-referred victim was still living with her husband at the time of the follow-up interview. Of the

Anderson House-referrals, 21 of 23 victims (91%) were living with their assailants at the time of the incident.

- For most of the wife assault victims interviewed, the reported incident was quite traumatic. Among the frequently reported reactions were: fear, anger, shaking and crying. As well, seven (21%) of the victims interviewed were physically sick or nauseous following the incident.

- The most frequently expressed need (91% of the victims interviewed) was for professional help for their assailants.

- Needs were also frequently expressed for someone to stay with the victims to provide company/security following the incident (76%), and for someone to talk to after the police left (62%). These two needs were met by family and friends in 95% and 81% of the relevant cases, respectively.

- Over 80% of the victims who sought shelter outside their own homes indicated a need for emergency financial assistance during the period immediately following the incident.

- The most important practical need was for emergency shelter. Six of the 11 police-referred victims took shelter outside their home after the incident, even though only two of them had been living with their partner at the time.

- Information on legal procedures was needed by 25 of the 34 victims or 74%. Only 12 or 48% of these victims received the legal advice they needed.

- Of 27 victims who contacted the police concerning their problems, nine (33%) indicated they were very satisfied, 14 (52%) were satisfied, and four (15%) were not satisfied with the manner in which the police handled their calls.

The general conclusion reached as a result of the overall findings of the Study reads as follows:

> In general, the data gathered in the course of the study indicated that major new initiatives were not required to meet the needs of crime victims and witnesses on P.E.I. Rather, the optimum approach sufficient to meet identified needs would involve certain changes in criminal justice system procedures, and improved integration and co-ordination of existing services. The only exception to this general finding concerns the needs of wife assault victims. While the data gathered for this study on the problem of wife assault reflected the experiences of relatively few individuals, it was apparent from these data that many of these people are in need of more positive support from the police and courts, as well as from society at large.[1]

[1] Merideth, C. & Conway, E. The Study for the Planning of Victim Assistance Services on P.E.I., 1984, Vol. I, Executive Summary

## 3. LIST OF RECOMMENDATIONS

The following is a summarized list of the 21 recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. Recommendations #7-16 refer specifically to wife assault victims.

1. Restitution should be ordered whenever possible, and ensure orders are enforced.
2. Prompt return of recovered goods by using photographs as evidence whenever applicable.
3. Consider compensation in P.E.I. for injured crime victims.
4. Police to provide case progress information to victims.
5. Police to provide crime prevention information.
6. Develop handbook of services available to victims so police can provide information.
7. Police should develop a system to identify and count all cases of wife assault.
8. Legislation (not proclaimed) which would have enabled police to remove alcohol abusers from their homes should be reviewed.
9. Review police response to wife assault complaints to ensure efforts are being made to assist victims.
10. Police, social workers, and other professionals should refer men who batter to the group counselling programme (Turning Point), and judges should consider as a sentencing option.

11. Stable and adequate funding arrangements should be made for Anderson House, the shelter for battered women.

12. Police and social service staff should ensure a system of providing transportation to Anderson House.

13. Legal aid should be reviewed with consideration being given to the needs of wife assault victims.

14. Police to provide information regarding legal options and case progress information.

15. Charges should be laid promptly by police where sufficient evidence is present.

16. P.E.I. Department of Justice should work toward a satisfactory solution to wife assault regarding the Family vs. Criminal Court question.

17. A witness information brochure should be distributed with each witness subpoena.

18. Each subpoenaed witness should be sent a letter from the Crown Prosecutor informing them of the outcome of the trial and thanking them for co-operation.

19. Establish a working committee to integrate and co-ordinate the service network to victims of crime.

20. Consider P.E.I. as a test site for comprehensive police training to increase quality and services to crime victims.

21. Monitor and evaluate changes in procedures and services initiated as a result of the recommendations.

## B. The P.E.I. Committee on Victims of Crime

The P.E.I. Minister of Justice established the P.E.I. Committee on Victims of Crime (also referred to as the Victims Committee) by letter of invitation dated July 25, 1984. Terms of reference set for the Committee by the Minister read as follows:

1. To implement, where possible, the recommendations contained in the Study for the Planning of Victim Assistance Services on Prince Edward Island.
2. To develop and carry out a plan for the integration and co-ordination of available community resources for the benefit of victims of crime.
3. To review, and include where appropriate, other studies/ reports relating to victims of crime (e.g., The Prince Edward Island Report to the Federal/Provincial/ Territorial Working Group on Wife Battering and The Report of the Canadian Federal Provincial Task Force on Justice for Victims of Crime).
4. To advise government, through the Minister of Justice, on issues related to victims of crime.
5. To prepare a progress report for the Minister of Justice every six months or as needed or requested.

The following departments and agencies were invited to have representation on the Victims Committee: Provincial

Court, R.C.M.P. "L" Division, P.E.I. Association of Chiefs of Police, Department of Social Services, Interagency Committee on Domestic Violence, Federation of P.E.I. Municipalities, Chambers of Commerce, School Boards, P.E.I. Working Committee on Wife Battering, P.E.I. Department of Justice (Administration), and the Solicitor General Canada. These agencies were selected in order to represent the various components of the criminal justice and social services systems and the concerns of the types of victims included in the Study for the Planning of Victim Assistance Services on P.E.I. (i.e. general victims, wife assault victims, and commercial/institutional victims).

Representation from the Atlantic Police Academy was added following the Committee meeting of January 22, 1985. The Committee has been chaired by Phil Arbing, Director of Community and Correctional Services, Department of Justice. Julie Dodd, and more recently, Jill Lightwood, Co-ordinator of the Justice Resource Service, have provided executive assistance to the Committee.

C. **Monitoring & Evaluation Study**

Recommendation #21 from the Study for the Planning of Victim Assistance Services on P.E.I. states in full: "The impact of new procedures/services should be monitored and evaluated in terms of their effects on both victims and the criminal justice and social service systems." In conjunction with the provincial government's commitment to work towards implementation of recommendations from the Study through a committee process,

Solicitor General Canada agreed to provide funding for research assistance to this innovative approach to victim services.

In January, 1985, Solicitor General Canada and the P.E.I. Department of Justice signed a contract for a monitoring and evaluation study. The purpose of this contract was to assist the P.E.I. Department of Justice and the P.E.I. Committee on Victims of Crime in:

1. monitoring, documenting, and reporting its efforts to implement recommendations for improving services to victims; and
2. researching the impact of the above efforts on victims and the criminal justice system as a whole.

Surveys conducted during the monitoring and evaluation study included the following: surveys of wife assault victims for incidents occurring between April 1, 1985, and September 30, 1986; surveys of sexual assault victims for incidents occurring between April 1, 1985, and November 30, 1986; surveys of general victims and commercial/institutional victims for incidents occurring between October 15 - December 15, 1985, and March 1 - April 30, 1987; follow-up surveys of wife assault, sexual assault and general victims whose cases were proceeding through the court process; surveys of Crown witnesses subpoenaed to appear before the court between September 1, 1986, and January 30, 1987; and a survey of front-line police officers conducted between October, 1986, and January, 1987. Key informant surveys were conducted through individual interviews with judges, Crown

attorneys, and supervisory police personnel during June and July, 1985; and through group consultation with senior justice personnel and representatives of social agencies in November, 1986. All surveys were conducted on a province-wide basis. Only adult victims and witnesses (i.e., those over the age of 16 years) were contacted for interviews. For comparability purposes, questionnaires and survey methods used were similar to those designed for the Study for the Planning of Victim Assistance Services on P.E.I.

## II. EXECUTIVE SUMMARY

This report presents the findings and implications, and discusses the implementation process concerning the wife assault and sexual assault components of the victims monitoring and evaluation study, a study carried out by means of a contract between Solicitor General Canada and the P.E.I. Department of Justice (February, 1985 - November, 1987). The purpose of the study is to document and research the impact of efforts of the P.E.I. Committee on Victims of Crime (Victims Committee) to implement recommendations from the Study for the Planning of Victims Assistance Services on P.E.I. (1984) and to develop a plan to co-ordinate community resources for the benefit of crime victims.

This report is intended to be a comprehensive presentation covering not only the research findings but also initiatives of the Victims Committee and related activities regarding wife assault and sexual assault. Thus, it describes part of an ongoing process to improve services to and treatment of wife assault and sexual assault victims.

For comparability purposes, the methodology and survey design in the monitoring and evaluation study were generally similar to that used in 1983 for the Study for the Planning of Victim Assistance Services on P.E.I. An exception is the sexual assault victims survey. In the earlier study, sexual assault victims were included as part of the general victims survey, but in the monitoring and evaluation study sexual assault victims were considered a separate population and a special questionnaire was developed for use with them.

The following sections summarize the methodology, major findings, implementation process and conclusions regarding wife assault and sexual assault.

## Wife Assault

Interviews were conducted with 59 wife assault victims referred by the police across P.E.I. and Anderson House for incidents occurring between April 1, 1985, and September 30, 1986. Victims were given the option of a telephone or personal interview. Fourteen of the 59 victims were contacted a second time for a follow-up interview because the court process had not been completed at the time of the first interview.

Another source of information used to assess implementation of recommendations from the Study for the Planning of Victim Assistance Services on P.E.I., including recommendations specific to wife assault, was the police survey conducted between October, 1986, and January, 1987. Forty-six front-line officers from across P.E.I. were interviewed by telephone.

Input regarding implementation of recommendations #8, 13, and 16 (all pertaining to wife assault) was obtained from "key informants" at a Consulation with Senior Justice Personnel held in November, 1986. A format combining presentations and discussion was used for the consultation. Information compiled was used as a basis for the Victims Committee's Third Report to the Minister of Justice.

Major findings from the wife assault victims survey (including comparisons with the 1983 survey) are as follows:

- 49 or 83% of the 59 cases in the 1985/86 study involved repeated abuse;

- a significantly larger proportion of victims in the 1985/86 survey (97% compared to 74% in the 1983 survey) talked with a friend or relative about the incident, possibly indicating a changing attitude, i.e., that wife assault is not something to be kept hidden and not the victim's fault;

- the rate of reported cases of wife assault was lower in 1985/86 than in 1983. This may represent a decrease in the actual incidence of wife assault on P.E.I., due to such factors as public education and the police charging policy, or it may indicate only a temporary change;

- in nine cases in the 1985/86 survey the police removed the assailant, instead of the victim (and children), from the home;

- a significantly lower proportion of wife assault victims (64%) in the 1985/86 survey (a decrease from 85% in the 1983 study) took shelter outside their homes following the incident, a change possibly due in part to the police removing the assailant from the home in some cases;

- while the two samples were similar with respect to the percentage of victims living with their assailants at the time of the

incident, a significantly higher proportion of victims in the 1985/86 sample called the police than in the 1983 sample, suggesting less hesitancy to report incidents even when the victim is still living with the assailant;

- as far as the victim knew, the assailant was referred to the Turning Point group treatment programme (begun in 1984) in only 22% of the cases studied during 1985/86;

- for the majority of wife assault victims from both surveys who sought help from Legal Aid, adequate legal assistance was not provided;

- compared to 1983, there seems to be progress, particularly by the R.C.M.P., toward the policy of police laying charges in wife assault cases.

These findings lead to the conclusion that some progress is being made towards improving attitudes towards, services for, and police practices in assisting wife assault victims. Yet there are still further changes needed and gaps in services to be filled before the needs of wife assault victims will be adequately addressed by the criminal justice system on P.E.I.

Presentations and discussion at the Consultation with Senior Justice officials in November, 1986, lead to several recommendations in the Victims Committee's Third Report to the Minister of Justice, summarized as follows:

- that the Minister of Justice review the policy requiring police to lay charges in cases of wife assault with a view to reinforcing a consistent application of the policy;

- that when an accused batterer is arrested and held temporarily certain conditions be placed on the accused (by the courts on request of the Crown) before a pre-trial release;

- that the Minister of Justice investigate the possibility of emergency protective legislation;

- that the Minister of Justice review the Family Law Reform Act with special regard to the definitions of spouse and matrimonial home;

- that the Minister of Justice develop a policy urging Crown Counsel to implement practices that will ensure that cases involving victims receive priority consideration, especially when personal injury or loss is experienced and keeping in mind the special needs of wife assault and sexual assault victims;

- that the Minister of Justice undertake an independent review of legal aid with a view to developing a more comprehensive approach to legal aid services;

- that the Minister of Justice bring before Policy Board the concept of a Victims Assistance Program and the need to continue further joint efforts toward the objective of meeting the needs of victims of crime in the province.

**Sexual Assault**

Interviews were conducted with 15 sexual assault victims referred by police across P.E.I. and by the P.E.I. Rape & Sexual Assault Crisis Centre for incidents occurring between April 1, 1985, and November 30, 1986. Victims were given the option of a telephone or personal interview. Follow-up interviews were conducted with three sexual assault victims after the court process had been completed.

Major findings from the sexual assault victims survey are as follows:

- in the fifteen cases studied, the seriousness of the crimes varied, but most included rape or attempted rape, often with violence;

- emotional effects suffered by the sexual assault victims were severe and lasting;

- the sexual assault victims were generally satisfied with the treatment they received from medical staff;

- the victims who contacted the P.E.I. Rape & Sexual Assault Crisis Centre were satisfied with the assistance they received;

- the majority (53%) of the victims were acquainted with or related to the offender;

- eight (53%) of the victims had been victims of similar incidents in the past, four of them by the same offender;

- most of the victims felt that the offender deserved a prison sentence;

- although a suspect was identified in eleven of the fifteen cases, the police laid charges in only six cases;

- most victims were satisfied or very satisfied with the police response, but four (27%) were not;

- the court process is particularly stressful for sexual assault victims and often takes a long time.

Although the number of sexual assault victims interviewed was small, the findings clearly underline the special needs of these victims and the necessity of assisting them with compassion and understanding if they are not to feel that they have been victimized a second time by the criminal justice process itself.

During the time period of the monitoring and evaluation study, the P.E.I. Rape & Sexual Assault Crisis Centre presented briefs concerning the needs of sexual assault victims on two occasions:

1) in September, 1985, at the invitation of the Victims Committee; and
2) in March, 1987, to the P.E.I. Minister of Justice, on their own initiative.

A summary of these recommendations and brief discussion of possibilities for implementation follows:

- Research needs of child victims of sexual assault. Research sponsored by the P.E.I. Chapter of the Canadian Child Welfare Association, with funding assistance from Solicitor General Canada, resulted in a report Sexual Offences Against Children on P.E.I. (January, 1986).

- Research special needs of sexual assault victims. The monitoring and evaluation study includes sexual assault victims as a separate sample.

- Procedural changes, including using photographs and tapes in court, avoiding long delays in court process, and making available statistics on sexual assault cases in court. These changes require approval and co-operation of judges, Crown attorneys, and defence counsel.

- Compensation programme sensitive to needs of sexual assault victims. P.E.I. is in the process of developing a criminal injuries compensation programme which will include consideration of victims with special needs.

- Advocacy worker. This role will be included within the work of Co-ordinators of Victim Services under a proposed Victim Assistance Programme, a planned new initiative on P.E.I.

- Victim impact statements. Increased use is expected to be included in a proposed Victim Assistance Programme.

- Right to a speedy trial. This is similar to a recommendation in the Victims Committee's Third Report to the Minister of Justice, resulting in a statement from the Minister that he will be instructing Crown counsel to proceed with cases involving victims of personal injury or loss as swiftly as possible.

- Equal representation of victims of violence.

- Education of criminal justice personnel regarding impact of crimes of violence on victims. The Victims Committee has included sensitization of criminal justice personnel as part of its process and plans to initiate a police training programme in the near future.

## II. WIFE ASSAULT

### A. Methodology

#### 1. WIFE ASSAULT VICTIMS SURVEY

Referrals of wife assault victims were received from police across P.E.I. and from Anderson House for incidents occurring between April 1, 1985, and September 30, 1986. The victims were contacted by telephone, the purpose of the survey was explained, and victims were given the option of a telephone or personal interview. All interviews were conducted by the researcher and took approximately one hour, on average, to complete. Referrals were obtained from the police and Anderson House on a monthly basis. Interviews were usually conducted between one and two months after the incident.

Twenty-eight referrals were received from Anderson House, 66 from the R.C.M.P., and 57 from the Municipal police (41 from Charlottetown, 13 from Summerside, two from St. Eleanors, and one from Kensington). Since seven of these were referred by Anderson House and the police, the total number of victims referred was 144.

Eighty-five victims were not interviewed for the following reasons: no phone in 41 cases, 18 refusals, 12 could not be reached or did not keep appointment, 2 victims had left the province, in 4 cases it was unclear who was the victim (i.e. fights or disturbances between partners rather than wife assault situations), 2 were repeat referrals and the

victim had already been contacted, and 6 were omitted for other reasons.

Fifty-nine, or 41% of the victims referred, were interviewed. Fourteen (27%) of the 59 victims were contacted for follow-up interviews because the court process had not been completed at the time of the first interview, three victims could not be reached for follow-up, and one case was still before the court when the survey period ended.

Comparability with research conducted during 1983 for the Study for the Planning of Victim Assistance Services on P.E.I. was an important feature of research design during the current monitoring study. During the 1983 research, 34 wife assault victims were interviewed, 23 of these being referred by Anderson House and 11 by the police across P.E.I. The time period for referrals from the police was eight weeks and from Anderson House one year during the original Study, compared to 18 months from both sources in the current research.

For the purposes of both the 1983 victims study and the current monitoring study, the term "wife assault" refers to cases of threat/attack by common law partners and boy-friends as well as spouses, including cases in which the victim is no longer living with the assailant.

The wife assault victims ranged in age from early twenties

to over 60 years of age. Although none had completed university, most had at least some high school education (79% of the 1983 sample and 90% of the 1985/86 sample). Most lived in a single house (47% and 54%) or a low-rise apartment (27% and 24%). Household size at the time of the interview ranged from 1-12 persons, but was most heavily distributed in the range of 2-5 persons. The majority of victims (56% and 54%) had at least one child under six years of age living with them.

Many of the wife assault victims were homemakers only during the year they were interviewed (41% in the 1983 study and 46% in the 1985/86 study), but many also worked outside the home (44% and 51%) while the remainder were looking for work except for one victim in the 1983 sample who was a student. Most of those employed worked at service, blue collar, or clerical jobs.

**Table 1. Total Family Income for Previous Calendar Year**

| | 1983 Survey Sample Size: 34 | | 1985-86 Survey Sample Size: 59 | |
|---|---|---|---|---|
| | Number of Responses | (%) (%) | Number of Responses | (%) (%) |
| Less than $9,000 | 15 | (44%) | 10 | (17%) |
| $9,000 - $14,999 | 7 | (20%) | 18 | (30%) |
| $15,000 - $19,999 | 4 | (12%) | 8 | (14%) |
| $20,000 - $24,999 | 2 | (6%) | 8 | (14%) |
| $25,000 - $29,999 | 1 | (3%) | 3 | (5%) |
| $30,000 - $39,999 | 1 | (3%) | 3 | (5%) |
| $40,000 - $49,999 | 1 | (3%) | 0 | (0%) |
| $50,000 and over | 1 | (3%) | 0 | (0%) |
| Don't Know/Refusal | 2 | (6%) | 9 | (15%) |

Table 1 illustrates the range of family income for both samples. Total family income was under $25,000 for 82% of the victims in the 1983 sample and 74% of the victims in the 1985/86 sample; however, there was some representation from all income levels.

Since less than half the wife assault victims referred during the monitoring study were interviewed, factors which could cause a bias in the sample should be considered. As in the 1983 research, by far the most common reason for non-completion of interviews was inability to contact by telephone. In 35 cases the victim had no phone or an unlisted number at the time of the incident and in six cases the phone was disconnected or changed to an unlisted number between the time of the incident and the attempt to contact the victim for an interview. Seventeen of the victims without phones live in Charlottetown or Summerside, but for those without phones in rural areas, isolation and difficulty in obtaining assistance may be even more pronounced than for other wife assault victims.

Another factor which could cause a bias in the sample is refusal to be interviewed because of a continuing live-in relationship with the assailant. This factor could mean that the sample did not truly represent the proportion of victims who report incidents, but then continue to live with their partners. However, since only nine, or half the victims who did not wish to be interviewed, were still

living with the assaultive partner, it is unlikely that this factor had any significant impact on the research.

2. POLICE SURVEY

Between October, 1986, and January, 1987, telephone interviews were conducted with 46 police officers from across P.E.I. A research assistant called each detachment/department at pre-arranged times. The sample consisted of all the front-line officers on duty at those times. Proportionate to the size of each detachment/department, the sample included 24 R.C.M.P. officers, 14 officers from Charlottetown Municipal, six from Summerside Municipal, and one each from Kensington and St. Eleanors Municipal Departments. Interviews were conducted by the research assistant and took thirty minutes on average to complete. The police survey questionnaire included general questions about police practices in assisting victims of crime as well as questions specific to those recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. which pertain to police policies and practices.

3. CONSULTATION WITH SENIOR JUSTICE PERSONNEL

Through the process of implementing recommendations from the Study for the Planning of Victim Assistance Services on P.E.I., the Victims Committee decided that three recommendations (#'s 8, 13, and 16) required discussion and input from others in the criminal justice system. A Consultation with Senior Justice Personnel was held on November 17, 1986. Invitations were extended by the Deputy Minister of Justice to: Supreme Court justices, Provincial

Court judges, Crown prosecutors, Legal Aid lawyers, senior probation officers, family counsellors from Family Court Division, clerks of the Court, chiefs of the four municipal police departments, chief superintendent of R.C.M.P. "L" Division, president of P.E.I. Law Society, president of P.E.I. Branch of Canadian Bar Association, Deputy Minister of Department of Health and Social Services, members of the Victims Committee, and representatives of Transition House Association, Turning Point Group, and Community Legal Information Association.

The agenda for the consultation included presentations by the researcher and a response by resource persons on issues and findings related to each of the three recommendations. Opening remarks by the Minister of Justice stressed the importance of criminal justice personnel working together towards creative changes to benefit victims of crime, particularly victims of wife assault.

Presentations and discussion from the Consultation were compiled by the Co-ordinator of Justice Resource Service and used by the Victims Committee as a basis for recommendations in its Third Report to the Minister of Justice.

## B. Findings, Implications & Implementation Process

The following analysis includes general findings from the wife assault surveys and findings related to the recommendations

from the Study for the Planning of Victim Assistance Services on P.E.I. which were specific to wife assault victims (#'s 7-16). When appropriate, current findings are compared with findings from research conducted during 1983 for the Study for the Planning of Victim Assistance Services on P.E.I. Findings from the police survey which relate to recommendations #'s 7-16 are also included where appropriate.

Three recommendations (#'s 8, 13, and 16) were the focus of discussion at a Consultation with Senior Justice Personnel held in November, 1986. The Victims Committee has consolidated suggestions and insights gained from the Consultation into its Third Report to the P.E.I. Minister of Justice, February, 1986, to January, 1987. Issues pertaining to these three recommendations and the Victims Committee's recommendations to the Minister for further action are discussed in Section III, B, 4. and 5. of this report.

1. GENERAL FINDINGS

a) Nature of Reported Incidents and History of Abuse

When asked to describe in their own words what happened that caused the victim to call the police and/or go to Anderson House, 22 victims mentioned that this incident was one in a series of ongoing assaults, four mentioned that the assaults included sexual abuse, and eleven indicated that the incident included property damage.

The incidents frequently involved both physical assaults and serious threats such as threats to kill her, threats with a weapon or physical object, threats to burn down her house, and one attempt to run her car off the road. Physical assaults most frequently involved punching, kicking, slapping, or pushing, but also commonly included throwing the victim or grabbing her around the neck. In one case, the victim was hit repeatedly with a wrench and a broom, in another case the vehicle in which the victim was a passenger was run off the road and she was beaten with a pellet gun until unconscious, and in a third case the victim was burned severely with a cigarette and hot water and pushed under water in a bathtub.

When asked about the history of abuse, 49 of the 59 victims (83%) said that they had been threatened or attacked by the assailant at other times in the past. Table 2 illustrates the frequency and time period of the abuse indicated by 34 of the victims as well as the responses of the other 15 victims who had previously been abused. The conclusion drawn from Table 2 is that the frequency and time period of abuse varies widely from one situation to another, ranging from emotional abuse only to frequent physical assaults for up to 20 years. Nine or 18% of the 49 victims who had been abused more than once mentioned increasing frequency and/or severity of assaults.

**Table 2. Frequency and Time Period of Abuse**

| | Frequency of Abuse | | | | |
|---|---|---|---|---|---|
| | Weekly | Monthly | Every few Months | Once Yearly | Row Totals |
| 0-6 months | 2 | 1 | | | 3 |
| 6-12 months | | 2 | 1 | | 3 |
| 1-2 years | | 2 | 3 | | 7 |
| 2-5 years | 2 | 3 | 2 | 2 | 8 |
| 5-10 years | 1 | 2 | 2 | 3 | 11 |
| More than 10 years | 4 | 2 | | | 2 |
| Column Totals | 9 | 12 | 8 | 5 | 34 |

| Other Responses: | |
|---|---|
| once previously | 4 |
| emotional abuse only/mostly | 3 |
| physical abuse started recently | 1 |
| 4 previous incidents (time period not stated) | 1 |
| one previous incident of physical abuse, frequent emotional and sexual abuse during 10 years | 1 |
| several incidents of physical abuse during 10 years | 1 |
| twice during 11 years | 1 |
| during 15 years (frequency not stated) | 1 |
| when he was drinking, during 19 years | 1 |
| often, during 20 years | 1 |
| TOTAL | 15 |

b) Medical Treatment

Thirteen of the 59 wife assault victims (22%) required medical treatment for injuries suffered in the incident discussed during the survey, and seven additional victims had required treatment following previous incidents. Three of the victims required hospitalization (one for six weeks, one for ten days, and one for eight days). Twelve of the victims were very satisfied or satisfied with the treatment received from medical staff, although one victim was not satisfied because of having to wait two hours for treatment and because

of the brusque, gruff attitude of the attending doctor. This case was the exception, however, as most victims did not have to wait long for treatment and were shown consideration and understanding by medical staff.

c) Living Arrangements

Thirty-six (61%) of the 59 victims were living with their assailant at the time of the incident, 18 (31%) were no longer living with him, and five (8%) never had lived with him. By the time of the first interview, which was usually conducted between one and two months later, only ten (17%) were still living with him.

Of the 14 victims contacted for a follow-up interview several months later, only one was still living with her partner. (She was also the only one of these 14 victims who was still living with her partner at the time of the first interview.) This one-in-fourteen ratio is not surprising, since follow-up interviews were conducted only with those victims whose cases were before the courts and victims still living with their partners are understandably reluctant to take their cases to court.

The fact that 49 of the 59 victims either were not living with their assailant at the time of the incident or did not continue to live with him after contacting the police and/or going to Anderson House contradicts

the commonly held perception that wife assault victims frequently stay with or return to their assaultive partners after taking these steps. Some do, of course, but most often when the victim has taken either of these initiatives she is ready to leave the relationship. Leaving will not necessarily stop the abusive behavior, however, as is demonstrated by the 31% of the victims who were no longer living with the assaultive partner at the time the incident occurred. The need for protection and support for victims who no longer live with the assailant is discussed further in later sections of this report.

d) Child Abuse/Effects of Wife Assault on Children

The effects of wife assault on children who observe this behavior and the possibility that they may themselves be victims of family violence are matters of concern to service providers. Because of this concern Anderson House has recently developed a children's programme with a full-time child care worker and has renovated the attic to serve as a children's space.

Forty-seven of the 59 wife assault victims had children living with them at the time of the incident. Ten of the victims (21%) reported that the children had been threatened or attacked during the incident or at other times by the assaultive partner. This abuse included: being pushed or slapped during the incident

in five cases; ongoing abuse in two cases; past physical and sexual abuse of a daughter in one case; and emotional abuse in two cases. The 21% in this study compares with 29% in the 1983 research who reported that their children were threatened, abused, or seriously affected emotionally by the wife abuse.

Following separation, problems related to the history of wife assault may continue to affect the children. Although the research was not designed to statistically document problems occurring around children's visits with their fathers, the following situations were mentioned during victim interviews: 1) further assaults taking place when the children's father is picking them up or returning them following a visit; 2) using the children as a means of getting back at the victim for leaving, for instance by refusing to return the children after a visit; and 3) the children's past experience of witnessing their father assault their mother causing them to feel anxious and upset about visiting with him.

e) Emotional Effects & Needs

Similarly to the wife assault victims interviewed during the 1983 research, the victims in the current study reported considerable traumatic effects, including reactions immediately following the incident as well as effects lasting for a week or more. Table 3

**Table 3. Emotional Reactions Reported by Wife Assault Victims**

| | 1983 Survey Sample size: 34 | | 1985-86 Survey Sample size: 59 | |
|---|---|---|---|---|
| Reactions immediately following the incident | Number Reporting | (Per Cent) Response | Number Reporting | (Per Cent) Response |
| Volunteered responses: | | | | |
| Scared/terrified/panic stricken | 9 | (26%) | 18 | (31%) |
| Upset/shaking/crying/humiliated/disgusted | 4 | (12%) | 9 | (15%) |
| Anger/rage/hate | 4 | (12%) | 18 | (31%) |
| Numbness/shock/confusion | 6 | (18%) | 9 | (15%) |
| Sense of relief when she finally decided to leave | 1 | (3%) | 0 | (0%) |
| Hurt | 0 | (0%) | 4 | (7%) |
| Very calm/something carried her through the experience | 0 | (0%) | 2 | (3%) |
| Prompted responses: | | | | |
| * Nervous | 29 | (85%) | 51 | (86%) |
| * Crying or shaking | 23 | (68%) | 46 | (78%) |
| Angry | 23 | (68%) | 39 | (66%) |
| * Afraid for own safety | 27 | (79%) | 46 | (78%) |
| Afraid for children's safety | 20 | (59%) | 26 | (44%) |
| * Confused or in a state of shock | 27 | (79%) | 43 | (73%) |
| Physically sick or nauseous | 7 | (21%) | 18 | (31%) |
| All of above reactions (included in totals above) | 0 | (0%) | 4 | (7%) |
| None of above reactions (just felt calm) | 0 | (0%) | 1 | (2%) |
| Reactions lasting approximately one week after the incident | | | | |
| Volunteered responses: | | | | |
| Tired/depressed/emotionally drained/unable to concentrate | 4 | (12%) | 9 | (15%) |
| Anxiety (panic) attacks | 1 | (3%) | 1 | (2%) |
| Upset when husband phones her | 1 | (3%) | 0 | (0%) |
| Drinking more/taking tranquilizers | 0 | (0%) | 2 | (3%) |
| Bitterness | 0 | (0%) | 1 | (2%) |
| Inability to gain weight | 0 | (0%) | 1 | (2%) |
| High blood pressure | 0 | (0%) | 1 | (2%) |
| Prompted responses: | | | | |
| * Nervous | 24 | (71%) | 34 | (58%) |
| Crying or shaking | 18 | (53%) | 24 | (40%) |
| Afraid of being alone | 16 | (47%) | 26 | (44%) |
| Afraid of entering her home | 13 | (38%) | 25 | (42%) |
| Afraid of going out at night | 13 | (38%) | 19 | (32%) |
| * Angry | 24 | (71%) | 34 | (58%) |
| Memory loss | 5 | (15%) | 9 | (15%) |
| Confused or in a state of shock | 13 | (38%) | 22 | (37%) |
| Physically sick or nauseous | 8 | (24%) | 10 | (17%) |
| * Trouble sleeping | 21 | (62%) | 31 | (53%) |
| Headaches | 19 | (56%) | 27 | (46%) |
| Lack of appetite | 19 | (56%) | 23 | (39%) |
| None of the above (no lasting effects) | 3 | (9%) | 5 | (8%) |

* Indicates most common responses

summarizes both volunteered and prompted responses reported by victims from the two samples.

As illustrated by Table 3, the most commonly reported reactions were similar in the two studies. Common immediate reactions included: "nervous" (85% & 86%), "afraid for own safety" (79% & 78%), "confused or in a state of shock" (79% & 73%), and "crying or shaking" (68% & 78%). The most common lasting effects were: "nervous" (71% & 58%), "angry" (71% & 58%), and "trouble sleeping" (62% & 53%). Four (7%) of the victims in the current study answered affirmatively to all prompted immediate reactions, while three victims (9%) in the 1983 study and five victims (8%) in the current study reported no lasting effects, i.e. reactions lasting for a week or more following the incident.

Approximately half the victims interviewed during the follow-up surveys of both studies indicated that several months later they were still suffering from emotional problems resulting from the abuse.

The victims in both samples were asked whether they talked about the incident with a relative or close friend. Twenty-five of the 34 victims (74%) in the 1983 sample reported that they talked with a relative or close friend and an additional six (18%) instead talked with a counsellor, social worker, or Anderson

House staff. Twenty-two of these 31 (71%) found that talking about the incident helped, three (10%) said it helped a little and six (19%) said it did not help.

Fifty-seven of the victims (97%) in the current sample talked with a friend or relative about the incident. Forty-seven of the 57 victims (82%) found that talking with a friend or relative was helpful, two (4%) found it somewhat helpful, and eight (14%) said it did not help. Forty-three of the victims (73%) talked about the incident with a trained counsellor, most frequently staff from Anderson House.

The increase in victims who talked with a friend or relative about the incident (a change from 74% to 97%) is statistically highly significant, well above the 1% level of significance. The apparent increase of victims talking with a trained counsellor (from 18% to 73%) cannot be compared with certainty, since victims in the 1983 survey were not asked directly whether they talked with a trained counsellor about the incident, but six volunteered this response. Nevertheless, given the highly significant increase in victims who talked with a friend or relative, it is reasonable to conclude that victims of wife assault now feel more open about discussing their situation with someone close to them. This change likely indicates a changing attitude on P.E.I. towards wife assault and a recognition by wife

assault victims that it is not something to be kept hidden and is not their fault. Such a change in attitude reflects very positively on the public education efforts of the last several years, particularly by the Transition House Association, but also by other groups such as the Interagency Committee on Domestic Violence, the West Prince Family Violence Project, Community Legal Information Association and the Victims Committee.

When asked whether there was any other kind of help they needed, nine (26%) of the 34 victims in the 1983 sample mentioned counselling, advice, or follow-up support. Six of the nine (67%) were getting the help they needed through counselling agencies, but two needed follow-up support after leaving Anderson House and one needed advice on what to do in her situation.

In the 1985/86 study, victims were asked specifically about their needs for ongoing emotional support and professional counselling. Forty-three victims expressed a need for ongoing emotional support and 33 (77%) of these victims received this support, (generally from family, friends and Anderson House, including the follow-up support group) but ten (23%) did not receive the ongoing emotional support they felt they needed. Of the 35 victims who expressed a need for professional counselling, 14 or 40% received the help they needed, but five (14%) did not receive it, seven (20%) had

not yet received counselling but planned to seek it, and three (9%) were not satisfied with the counselling they received. Professional counselling was most frequently provided by the Community Mental Health Division of the Department of Health & Social Services.

Both the 1983 and 1985/86 studies indicate that most wife assault victims are able to obtain ongoing emotional support and counselling as needed, but some victims do not get sufficient emotional help. The establishment of a follow-up support group at Anderson House and the availability of counselling through Community Mental Health Services both contribute toward the long-term emotional health of wife assault victims, but factors such as geographical distance from Anderson House, counselling services, and/or supportive friends and family; insufficient understanding of the dynamics of wife assault cases on the part of some counsellors; and some victims' hesitancy to seek help when needed result in continued feelings of isolation and depression by some victims.

f) Practical Considerations

For victims who leave their assaultive partners to live on their own, often with children, finances and housing are two important practical considerations. If they leave their home community, they may also need to change their children's school or daycare. They

may seek new or different employment or they may apply for social assistance, perhaps for the first time. All these potential changes are enough in themselves to make leaving a stressful experience, but they may be coupled with the stress of moving away from one's own home and support system, harassment or attempts toward reconciliation by the assaultive partner, and decisions about legal matters such as property settlement and child custody.

In spite of all these potential barriers, eighteen of the 59 victims (31%) in the current survey had already left their assaultive partner at the time of the incident. (In five other cases or 8%, the assault was by a boyfriend or former boyfriend who had never lived with the victim.) By the time the victims were interviewed, usually a month or two following the incident, 26 more victims had left and only ten (17%) were still living with their assailants.

Twenty-one victims (36%) indicated a need for emergency financial assistance. Eighteen received this assistance (thirteen from the Department of Social Services, four from family members, and one from the Lennox Island Reserve), but one was refused by Social Services, one eventually got help from Social Services but not right away when she needed it, and one had not yet applied for financial help when interviewed six weeks after the incident.

Twenty-four victims (41%) needed housing. Twelve victims found housing on their own; six obtained housing with help from friends, family, Anderson House staff, or Social Services staff; one needed help to find housing but didn't get any help; and five were still looking for accommodation. Many wife assault victims locate or re-locate in Charlottetown where inadequate accommodation for single parent families is a widely recognized problem.

The above discussion underlines the importance of providing immediate practical assistance as needed to wife assault victims as well as assisting them in the longer term to become financially independent.

2. FINDINGS RELATED TO RECOMMENDATIONS #7-16

Recommendations #7-16 from the Study for the Planning of Victim Assistance Services on P.E.I. specifically address the needs of wife assault victims. The P.E.I. Committee on Victims of Crime (Victims Committee) has been working towards implementing these recommendations and in some cases has further refined or expanded them based on new or additional information.

a) Statistical Recording & Estimating the Incidence of Wife Assault

Recommendation #7 (that police develop a system to identify and count wife assault cases) is related to statistical purposes rather than having any direct

effect on victims. This recommendation has been implemented: R.C.M.P. now code wife assault cases separately from other assaults and the municipal police across P.E.I. are keeping more complete statistical records on reported cases of wife assault. This means that it is now easier to obtain an estimate of the reported incidence of wife assault on P.E.I.

During the 1983 study, the number of reported cases of wife assault on P.E.I. was estimated at 156 per year or an incidence rate of 5.8 per thousand per year (including reported cases only). The current research was designed to include referrals of all cases reported to the police on P.E.I. for an eighteen month period (April 1, 1985, to September 30, 1986). Reported cases totalled 123 for 18 months, or an estimate of 82 reported cases per year and an incidence rate of three per thousand per year using the same census figures as in the 1983 study (26, 560 husband-wife families on P.E.I.).

In the 1983 study, 46% of the reported cases were from the Charlottetown Municipal Police Department compared to 33% in the current study. The estimated number of cases per year for Charlottetown Municipal during the 1983 study was 72 cases, whereas only 41 cases over 18 months or 27 per year were reported to Charlottetown Municipal during the current study.

Using the same census figures (2,675 husband-wife families in Charlottetown), reduces the estimated reported incidence within Charlottetown from 2.7% or 27 per thousand in 1983 to 1% or 10 per thousand currently.

On both a province-wide basis and within the City of Charlottetown, the reported incidence of wife assault appears lower than in the 1983 study. This apparent decrease is supported by remarks from police noting a decrease in reported cases and a decreased occupancy rate at Anderson House during the 1985-86 fiscal year (although this was followed by a temporary upsurge during the summer of 1986).

As the remainder of this report will indicate, there are no apparent reasons why victims would be more reluctant now than in the past to call the police or to seek help from Anderson House. It may be that the actual incidence of wife assault on P.E.I. is decreasing due to such factors as public education, the police charging policy, and the existence of such services as Anderson House and Turning Point. All these factors, especially when combined, could have a deterrent, preventative effect by giving a clear message that wife assault is no longer socially acceptable on P.E.I. On the other hand, the apparent decrease may indicate only a temporary change.

b) Protection of Wife Assault Victims

Recommendation #8 refers to an amendment to the Mental Health Act which had been passed by the legislature but not proclaimed, and which would remove people abusing alcohol from their homes and place them in treatment facilities. Because of the extensive involvement of alcohol in wife assault cases, (alcohol/drug addition was reported to be a factor in 74% of the cases in the original study) the Study recommended that the proposed legislation be reviewed with a view to the protection of women and children while carefully considering the human rights issues involved.

The P.E.I. Committee on Victims of Crime studied the proposed amendments and concluded that there are three fundamental problems with the legislation:

(i) it does not distinguish between alcohol abusers who are threatening, harassing or assaulting other people and those who are causing no harm or threat of harm to anyone except perhaps themselves (the Committee agrees that removing someone who is causing no harm or threat to others could be considered an infringement on that individual's human rights;

(ii) it makes no provision for abusive situations in which alcohol is not involved;

(iii) it tends to place such situations in a mental health context rather than being considered a protection matter.

Although that particular legislation is clearly not a feasible solution to the problem, the Victims Committee recognizes the need for a means of:

(i) enabling the police to remove abusive partners, rather than the victim and children, from the home;

(ii) providing an emergency court order forbidding the assailant to return to the home or contact the victim until a court hearing can be held; and

(iii) providing protection to women who are no longer living with their partners.

The need for these protective mechanisms has been brought to the attention of the Victims Committee through presentations from such groups as the Transition House Association, the Turning Point Group, and Queens County Addiction Services. The Interagency Committee on Domestic Violence has also discussed at length the need for a means of protecting wife assault victims from further assaults and/or harassment.

In some cases, the police are beginning to take the action of removing the abusive partner from the home, or finding him if he has left the scene, and either placing him in jail overnight or taking the necessary steps to have him admitted to a detox unit or psychiatric unit. Forty-nine of the 59 victims (83%) in the current study contacted the police and in nine cases the police, generally R.C.M.P., did remove the assailant. However, in six additional cases, the victim asked the police to remove the assailant and they did not, indicating to the victim that they did not believe they had the authority to do so. The researcher's impression, based on information from the victims, is that the individual police officer's perception of his authority to remove assailants from their homes seemed to be a more important factor than the seriousness of the incident in the officer's decision about removing the assailant.

In the police survey, 31 officers (67%) said that when an assault has been committed or is likely to be committed, they have removed the assailant in at least 50% of these cases and placed him in jail, detox, or psychiatric facility. Only two said that they have never removed the assailant and when asked why not said they tried instead to persuade the victim to leave.

The alternative to removing the assailant from the home is most often for the victim and children to leave

home. Twenty-nine of the 34 victims (85%) in the 1983 study and 38 of the 59 victims (64%) in the current study took shelter outside their homes following the incident, most frequently at Anderson House. This represents a moderately significant decrease (significant at the 5% level) in the proportion of victims who took shelter outside their homes. This difference could well be due, at least in part, to the police recently taking the initiative in some cases to remove the assailant, instead of the victim, from the home. Anderson House provides protection and will no doubt continue to be a necessary and valuable service for wife assault victims, but going to Anderson House often means leaving friends and community as well as the house and personal possessions and uprooting the children from their school, friends, and familiar surroundings. This decision is not taken lightly by wife assault victims and, although not statistically documented, the unfairness of having to leave their homes was frequently mentioned.

In some cases, police intervention, laying charges and removing the assailant temporarily is a sufficient deterrent to prevent further assaults and harassment while the case proceeds through court, but in some cases - often the more serious cases - it is not.

A follow-up survey was conducted with victims when charges had been laid and the court process had not

been completed at the time of the first interview. Out of nine follow-up interviews conducted, five victims indicated that they did have further problems with the assailant. These problems included threats and harassment in three cases, a further assault and threats in one case, and refusing to return the children after a visit in one case.

Discussions about the difficulty of providing protection to wife assault victims often centre around the matter of the victim continuing to live with the assailant. While this situation presents a real dilemma to the criminal justice system, most of the victims interviewed either were not living with the assailant at the time of the incident or did not continue to live with him following the incident. In most cases, the victim did not wish to have any further contact with the assailant although sometimes contact was necessary because of child visitation rights.

c) Police Response

In the 1983 victims study, only one of the 11 police-referred victims compared to 21 of the 23 Anderson House referred victims were living with their assailants at the time of the incident. Only 10 of the 23 victims referred by Anderson House contacted the police as a result of this incident and six of those ten waited until they were in Anderson House before contacting

the police. The most frequent reasons for not contacting the police were that they didn't think it would help and they were scared of their partner's reaction, or that they had called the police in the past and they wouldn't get involved.

Thus it appeared that wife assault victims living with their assailants were not likely to call the police for help. Also, the extent and type of emotional reactions reported by wife assault victims were more severe than those reported by other victims of crime, pointing to the need for an understanding and sensitive response to wife assault victims. These two factors lead to Recommendation #9 which reads in full:

> A review should be undertaken to determine causes of the apparent reluctance of wife assault victims living with their assailants to call the police. In addition, the adequacy of current police responses to wife assault complaints should be monitored to ensure that all reasonable efforts are being made to support and assist these victims.

In the current sample of 59 wife assault cases, 36 of the victims were living with their assailant and 23 were not. When the two samples are compared, the percentage of victims living with their assailants is very similar (65% in the 1983 sample and 61% in

the 1985/86 sample); the slight variance is far from being statistically significant, thus the two samples are similar in this respect.

In the current sample, the police were contacted in 49 out of 59 cases or 83% of the cases, compared with 21 out of 34 cases or 62% of cases in the 1983 sample. The increase in the proportion of victims contacting the police is statistically significant at the 5% level of significance; in other words, the victims in the 1985/86 sample were somewhat more likely to contact the police than the victims in the 1983 sample. Also, except for one case in which the victim had called the police previously and they did not respond, in the current sample the reasons for not calling the police did not reflect negatively on the police response. Compared to the 1983 study, there seems to be less hesitancy to call the police, regardless of whether the victim is living with the assailant or not, and less of a perception that the police will not respond to domestic disturbances.

In both the 1983 survey and the current monitoring survey, the victims were asked a series of questions about the way in which the police handled their case. Table 4 compares positive responses to these questions. Although there are differences in the percentage of positive responses (some increases and some decreases),

none of these changes is statistically significant; thus leading to the conclusion that wife assault victims' perceptions of the police response has not changed significantly between the 1983 and 1985/86 surveys.

**Table 4. Wife Assault Victims' Perceptions of the Police Response**

| | 1983 Survey Sample Size: 27* | | 1985-86 Survey Sample Size: 49 | |
|---|---|---|---|---|
| | Number of positive responses | (%) | Number of positive responses | (%) |
| Quick police response | 18 | (67%) | 23 | (47%) |
| Polite, courteous officer | 23 | (85%) | 42 | (86%) |
| Sympathetic officer | 20 | (74%) | 34 | (69%) |
| Police made victim feel partly responsible | 5 | (19%) | 9 | (18%) |
| Presence of officer made victim feel safe & secure | 22 | (81%) | 33 | (67%) |
| Police kept victim informed during investigation | 11 | (41%) | 24 | (49%) |
| Police told victim about available services | 6 | (22%) | 18 | (37%) |
| Police advised victim to lay charges | Not available | | 9 | (19%) |
| Police laid charges themselves | Not available | | 13 | (27%) |

* Includes six victims who had contacted police as the result of a previous incident during past year.

Information about whether the police advised the victim to lay charges herself or whether the police laid the charges was not available from the 1983 study because often the victims did not know whether a charge was being laid or who was laying it. Police charging policy is discussed further under Charging Policies and Practices.

Victims in both surveys were also asked about their general level of satisfaction with how the police had handled their case. Table 5 compares victim

satisfaction with the police response for the two surveys. When the qualified responses for both surveys are included with "satisfied" responses, a comparison between "very satisfied/satisfied" and "not satisfied" responses for the two surveys does not result in a statistically significant difference. In other words, no significant change is indicated in wife assault victims' level of satisfaction with police services between the 1983 survey and the 1985/86 survey.

**Table 5. Level of Satisfaction with Police Response**

| | 1983 Survey Sample Size: 27 | | 1985-86 Survey Sample Size: 49 | |
|---|---|---|---|---|
| | Number of responses | (%) | Number of responses | (%) |
| Very satisfied | 9 | (33%) | 17 | (35%) |
| Satisfied | 14 | (52%) | 14 | (28.5%) |
| Not satisfied | 4 | (15%) | 14 | (28.5%) |
| Qualified responses | *3 (included above) | | **4 | (8.2%) |

* Satisfied or very satisfied with police assistance at time of incident, but not when she went to the office to give her statement. - 3

** Not satisfied with system as a whole - 1;
Satisfied with R.C.M.P. but not City Police - 1;
Satisfied except that they did not lay charges/remove him - 2

d) Treatment of Offenders

In the 1983 survey of wife assault victims, the most frequently expressed need (by 91% of the victims interviewed) was for professional help, that is counselling and/or alcohol treatment, for their assailants. The Turning Point group counselling programme for men who batter was begun in May, 1984. Recommendation

#10 encourages referrals to Turning Point from police, social workers, other counsellors, and the courts as well as referral for addiction treatment when appropriate.

In the 1985-86 survey, victims were asked what they thought would make their partner or ex-partner stop being abusive. Responses were as follows: help with his addiction/stop drinking - 22 (37%); counselling/ Turning Point/psychiatric help - 16 (27%); keeping away from him - 10 (17%); nothing - 6 (10%); not being allowed to get away with it - 2 (3.5%); just a one-time occurrence - 2 (3.5%); and don't know - 1 (2%).

The assailant was referred to Turning Point in only 13 of the 59 cases (22%) in the current survey, as far as the victim was aware. Information about Turning Point was provided most frequently by the victim or in some cases by counsellors. In four of the 13 cases, the assailants chose not to attend the sessions, thus in only 9 cases (15%) the assailant was potentially able to benefit from Turning Point.

None of the victims indicated that police officers referred the assailants to Turning Point. However, in the survey of 46 police officers conducted in 1986, 13 officers (28%) indicated that they had made at least one referral to Turning Point since the programme began

in 1984. For the other 33 officers, the most common reasons given for not making referrals were: the officer has not dealt with any cases of wife assault in the last two years (8 responses), the officer is not informed about Turning Point (6 responses), and men who batter refuse to listen to the officer's suggestions (6 responses).

The 46 officers were asked their opinion about the effectiveness of Turning Point in reducing violent behavior. Forty (87%) officers had no opinion about the effectiveness of Turning Point, but five (11%) responded "not very effective," one (2%) "somewhat effective," and none "very effective."

Although these findings do not indicate a high level of interest in or knowledge about Turning Point, it is hoped that as the programme becomes established over time, police will begin to make referrals. Police referrals are important for at least two reasons:
1) the police may be the only interveners in positions of authority who have the opportunity to make a referral to Turning Point since, for a variety of reasons, many wife assault cases do not go before the courts; and
2) the assailants may be more inclined to attend Turning Point if it is suggested by the police rather than their partner or counsellor.

In 24 cases (41%), the assailant had received other

professional help, either in addition to or separately from Turning Point. The help received was most commonly addiction treatment (in eleven cases), and counselling from a mental health or family service agency (in nine cases).

Only seven of the victims felt that the help (of various kinds) their partners had received had been effective in stopping the abuse, although six others said they didn't know yet whether the help was effective, and one said it was temporarily effective. The eleven victims who did not think the help was effective most often stated that the assailant was not motivated or ready to benefit from the assistance offered, rather than suggesting that the help available was inadequate.

Of the 21 cases in which sentences had been imposed by the time of the follow-up interview, probation was included in fifteen sentences. The probation orders may have included a condition ordering treatment as prescribed by the probation officer, and thus some assailants in addition to those noted above may have received mandatory treatment, most likely Turning Point or addiction treatment.

e) Anderson House

In the 1983 study, emergency shelter was needed by 85% of the victims, most of whom found this shelter

at Anderson House. This led to recommendation #11, stressing the importance of Anderson House to wife assault victims and the need for stable and adequate funding so that the Transition House Association could continue to provide shelter and begin to address other needs such as follow-up support, outreach to the more distant communities, and child care.

The Transition House Association became a United Way agency in 1986 and the community continues to maintain a high level of financial support. In February, 1987, the provincial government approved sufficient funding for the Transition House Association to meet its 1986-87 operating costs, but the long-term financial situation is not yet stable. In spite of ongoing financial difficulties, Anderson House now has a child care programme and a follow-up support group. Outreach to the more distant communities has not yet become a reality, although the West Prince Family Violence Program has been trying to obtain funds to establish safe-houses and related services in the western end of the Island.

Of the 59 victims in the current sample, 39 or 66% sought shelter at Anderson House following the recent incident or at some time in the past. Only one of these victims did not receive the help she needed: she called twice but Anderson House was full both times

and the staff did not suggest any alternative (this victim had no family on P.E.I. and nowhere else she could go).

In the 1983 survey, victims were not asked about their level of satisfaction with services provided by Anderson House. In the current survey, all 38 victims who received shelter at Anderson House were either very satisfied or satisfied with the services provided and many of them indicated how crucial Anderson House has been to their lives and well-being. However, eight victims offered suggestions about how the shelter could improve its services, mostly suggestions of a practical nature, but some regarding counselling and emotional support by staff.

Transportation to a safe place to stay was needed by 41% of wife assault victims in the 1983 study and although only two victims had serious difficulty getting to Anderson House, it was noted that neither Social Services nor the police had a clear-cut, consistent policy regarding transportation to Anderson House. Also, lack of available transportation was seen as a possible deterrent for victims from outside the Charlottetown area who would otherwise seek shelter at Anderson House. This resulted in Recommendation #12 which was acted upon in 1984 when Social Services initiated a policy of providing transportation to Anderson House. In

the current wife assault victims sample, 29 of the 59 victims (49%) needed help to get to a safe place to stay, but only four of these had to pay for transportation themselves, including two who came from out-of-province.

The P.E.I. Committee on Victims of Crime has requested that Social Services put its policy regarding transportation to Anderson House in writing, but this has not yet been done. The police survey indicated that only 18 officers (39%) were aware of the policy of Social Services to arrange or pay for transportation to Anderson House and four officers had experienced problems during the past two years with arranging transportation to Anderson House. This finding underlines the need for a written transportation policy and for informing front-line police officers about it since these officers are the service providers most likely to be assisting wife assault victims when they need transportation to a safe place.

f) Legal Services

Access to legal services is an important need of wife assault victims. Twenty-five or 74% of the victims interviewed during 1983 and 38 or 64% of the victims interviewed during 1985-86 (not a statistically significant change) needed information on legal procedures. The legal information and advice required

concerned various matters and help was sought from Legal Aid, private lawyers, Community Legal Information Association, or the Crown Attorney, depending on the circumstances and needs of the victim.

Of eight wife assault victims who sought assistance from Legal Aid during the 1983 survey, only one got the help she needed. Several victims reported negative attitudes on the part of Legal Aid lawyers. The Legal Aid office is known to be understaffed, with a long waiting list of clients, and this factor may well have contributed to the unsupportive attitude reported by some victims. The difficulties reported by wife assault victims in obtaining legal assistance led to recommendation #13, that the P.E.I. Department of Justice conduct a review of P.E.I. Legal Aid, with consideration being given to the needs of wife assault victims.

Family Legal Aid is available on P.E.I. on a means-tested basis concerning only those matters which are within the jurisdiction of the Family Division of the Supreme Court, specifically the Family Law Reform Act, the Divorce Act, and Family and Child Services Act. At least some of the clients seeking assistance from Family Legal Aid are wife assault victims and these victims are not necessarily well-informed about what Legal Aid can and cannot help them with. Victims may not realize that Legal Aid cannot assist them with

assault charges, recognizance orders or protection following an assault, but could help them with such matters as custody, maintenance, and obtaining a restraining order, provided they are financially eligible. The divisions between the Crown Attorney's office and Legal Aid, or between Criminal Court and Family Court can also be quite confusing to wife assault victims.

To add to the confusion, the two components of P.E.I. Legal Aid are potentially incompatible since, in wife assault cases, the victim may be seeking help from Family Legal Aid at the same time as her partner or ex-partner is seeking help from the Public Defender to deal with criminal charges. In such cases, provided there is funding available, a private lawyer may be retained through Legal Aid to avoid a conflict. Even so, because the primary role of Legal Aid lawyers is that of Public Defender, the potential exists for an attitude of treating all clients as if they were the accused in a criminal case, which may make it difficult for Legal Aid lawyers to be supportive and understanding of victims involved in an emotional family crisis.

The P.E.I. Committee on Victims of Crime has acted on recommendation #13 by meeting with the Director of Legal Aid in May, 1985; by requesting that the P.E.I. Minister of Justice establish a process with which to review Legal Aid; and by including this matter in

discussions at the Consultation with Senior Justice Personnel held in November, 1986.

Of the 59 victims interviewed in the 1985-86 survey, 21 sought help from Legal Aid (not a significant change from the numbers seeking help in 1983). Seven of these victims were satisfied, but fourteen were not. Thus, a higher percentage of wife assault victims who sought help from Legal Aid - an increase from 13% to 33% - were satisfied with services provided, but the change is not statistically significant and the need has still not been adequately addressed.

In the police survey, 33 officers (72%) reported that they refer wife assault victims to Legal Aid if they require legal information or advice and cannot afford a private lawyer, while the other 13 officers indicated that they would refer to one of several agencies (e.g. Crown Attorney, Legal Aid, Social Services, Anderson House) depending on the situation. Only three officers (7%) were aware of wife assault victims having problems obtaining legal assistance and one additional officer noted that most victims are not aware of Legal Aid. These findings suggest that most police officers refer wife assault victims to Legal Aid as a matter of course, probably without awareness of the limited scope of Legal Aid services (as described above) or of the difficulties many wife assault victims face when trying to obtain assistance from Legal Aid.

As mentioned earlier, wife assault victims seek legal advice and information from other sources in addition to legal aid, according to the situation and needs of the victim. When charges are laid, the Crown Attorney is an important source of information and support for wife assault victims, especially if the accused enters a plea of not guilty. Adequate preparation for court is very important to wife assault victims; unfortunately, in four of thirteen cases which went to trial during the 1985-86 survey, a substitute Crown Attorney was called in and the victim was not satisfied with the assistance she received.

Because the court process is particularly difficult for wife assault victims, it is crucial that the Crown Attorney provide such services as preparation prior to the court date, explanation of court procedures, explanation of what charges are proceeding through court and why, thorough development of the case, and access to a separate waiting area. If, for some reason, staff Crown Attorneys are not available for a wife assault case, efforts must be made to ensure that substitute Crown Attorneys provide the necessary assistance. It should be noted that the four victims who received assistance from the staff Crown Attorneys were either very satisfied or satisfied with the assistance they received.

g) Provision of Information by the Police

Another need identified in the 1983 study was for case progress information from the police, as well as clear information about whether charges were being laid and by whom, or whether a recognizance order or restraining order was being sought (Recommendation #14).

The "What Battered Women Should Know about the Law" brochure, developed by the Justice Resource Service in December, 1983, provides information about legal options. Only one of the 59 wife assault victims in the current sample was given a brochure by the police, but 13 others received it from Anderson House staff or counsellors and all who read it found it helpful.

In the police survey, only 18 officers (39%) indicated that they had read the "What Battered Women Should Know about the Law" brochure and only 6 officers (13%) had ever given any of these brochures to wife assault victims. The most frequent reasons for not distributing the brochure were that the officer had not seen it (14 responses) or that it was not available in the office (8 responses). This finding suggests the need for a renewed effort to familiarize police officers with the brochure and encourage them to distribute it to wife assault victims.

As previously indicated by Table 4, a higher percentage

(although not a statistically significant increase) of wife assault victims were provided with case progress information during 1985-86 than in the previous study, but nine or 25% of the 36 victims who felt they needed case progress information did not receive it and nine others had to call the police themselves or have someone call on their behalf in order to obtain case progress information.

h) Charging Policies & Practices

Bill C-127, encouraging the police to lay charges in wife assault cases, was passed by the House of Commons early in 1982. In January, 1983, "L" Division of the R.C.M.P. instituted a policy of laying charges in wife assault cases when there is evidence to support a conviction. In October, 1983, the Attorney General for P.E.I. requested that police lay charges in these cases when there is reasonable and probable grounds to believe that an assault was committed. The R.C.M.P. have since amended their policy so that it is in keeping with the Attorney General's request. Recommendation #15 is consistent with the policy of laying charges in all cases where there is reasonable and probable grounds to believe that an assault has taken place.

The issue of laying charges in wife assault cases is complex since victims do not always want charges laid, but sometimes only want treatment for the offender

in the hope that the violence will stop. In the past, police were reluctant to lay charges themselves and usually left it up to the victim to do so. However, the 1983 research indicated that victims were more likely to proceed through the court process if the police laid the charges and also that fear of retaliation was one of the main reasons for victims not laying charges themselves.

Because the victims interviewed during the 1983 study were often unsure about whether a charge was being laid and who was laying it, reliable information about charging practices is not available from that source. However, information gleaned from police files and court records at that time indicated that in wife assault cases the police were generally leaving it up to the victim to lay charges.

Charges were laid in 26 of the 59 cases (44%) in the 1985/86 victims survey. Police laid the charges in 18 cases (14 involving the R.C.M.P. and four involving municipal police), although in four of these cases the victim thought she had. In eight cases involving municipal police, the victim laid the charges and in three of these cases she dropped them, two because of lack of support from the system and one because of threats of retaliation from the accused. One additional victim, when contacted for the follow-up

survey (not completed), advised that she had dropped charges she had laid herself after waiting for several months for the case to proceed through court. In thirteen other cases where charges were not laid, the victims felt they should have been, but again their main reason for not laying charges themselves was fear of retaliation.

In spite of these exceptions, when current practice is compared with charging practices during 1983, it seems that progress is being made, particularly by the R.C.M.P., toward implementing the policy of police laying charges in wife assault cases.

In the police survey, 27 officers (58%) indicated that they usually lay charges in wife assault cases, 11 (24%) that they encourage the victim to lay charges, and 8 (17%) that it depends on the situation. Thirty-six officers (67%) stated that police laying charges in wife assault cases is a good practice.

There has been some discussion, at the meetings of the Victims Committee and the Interagency Committee on Domestic Violence, about whether the charging policy has resulted in some victims being reluctant to call the police if they do not want charges laid. This seems unlikely, however, since in none of these cases did the police lay charges if the victim did not want them laid. Also, the significantly higher proportion

of wife assault victims (in the 1985-86 survey) who contacted the police as compared to the victims in the 1983 survey (see page 48) suggests that the opposite is true - that victims are less reluctant to call the police now than they were in 1983.

i) Police Perceptions about Effects of Charging Policy

As indicated previously, the issue of laying charges in wife assault cases is complex since victims do not always want charges laid. Police sometimes find themselves in a dilemma, with pressure to charge exerted by some victims and by society at large. On the other hand some victims want treatment for the offender and want the abuse to stop, but, for a variety of reasons, do not want the case to proceed through court. Also, some victims, while initially agreeing to charges, may later on exert pressure to have the charges dropped.

The 46 officers interviewed during the police survey were asked a series of questions about the effects of the charging policy on victims and on police. Findings are summarized in Table 6 and Table 7.

**Table 6. Officers' Perceptions about Effects on Victims When Police Lay Charges**

Sample Size: 46

| | More | (%) | Less | (%) | Don't know/ no opinion | (%) |
|---|---|---|---|---|---|---|
| When police lay charges the victim is more likely/less likely to want the charges dropped than if she laid them herself. | 15 | (33%) | 23 | (50%) | 8 | (17%) |
| If the victim knows the police will lay charges, she is more likely/less likely to call the police when an assault occurs. | 14 | (30%) | 18 | (39%) | 14 | (30%) |
| When police lay charges, the victim is more fearful/less fearful of retaliation from her partner than if she laid them herself. | 10 | (22%) | 31 | (67%) | 5 | (11%) |
| When police have laid charges following an assault, the assailant is more likely/ less likely to commit another assault. | 0 | (0%) | 36 | (78%) | 10 | (22%) |

**Table 7. Officers' Perceptions about Effects on Police When Police Lay Charges**

Sample Size: 46

| | True | (%) | False | (%) | N/A | (%) |
|---|---|---|---|---|---|---|
| I have experienced some problems with victims wanting charges dropped when I have laid them. | 43 | (93%) | 3 | (7%) | 0 | (0%) |
| The policy guidelines on police laying charges make it easier for me to know what to do because I have clearcut instructions to follow. | 35 | (76%) | 10 | (22%) | 1 | (2%) |
| When I have laid charges, in at least one case the victim has changed her story or has been a hostile witness in court. | 31 | (67%) | 11 | (24%) | 4 | (9%) |
| Since I have been laying charges, I have had fewer repeat calls from wife assault victims. | 23 | (50%) | 11 | (24%) | 12 | (26%) |

For the statements listed in Table 6, the officers were asked to give their opinions about which choice in each statement was accurate. Findings indicated that the highest percentage of officers (50%) believe that, when police lay charges, victims are less likely to want charges dropped. On the other hand, 39% of

the officers believe that if wife assault victims know the police will lay charges they are less likely to call the police when an assault occurs. Most of the officers (67%) believe that the victim is less fearful of retaliation when police lay charges than if she laid them herself. Seventy-eight percent of the officers believe that, when police have laid charges, the assailant is less likely to commit another assault.

The officers were asked whether each of the statements in Table 7 was true for them or not true for them. Forty-three officers (93%) stated that they have experienced problems with victims wanting charges dropped when the officers had laid them and 31 officers (67%) had experienced problems at court with victims changing their stories or being hostile witnesses. Most officers (76%) find the policy guidelines on laying charges helpful and 50% find that police laying charges results in fewer repeat calls from wife assault victims.

The experience and attitudes of front-line police officers towards the policy of police laying charges in wife assault cases will probably affect the degree of adherence to that policy. While the high percentage of "don't know/no opinion" or "not applicable" responses to most of the statements make the findings somewhat difficult to interpret, it is reasonable to conclude that the officers' experience with and attitude toward

the charging policy is mixed. Police officers (as well as wife assault victims) need a high degree of support from other elements of the criminal justice system for laying and proceeding with charges. Without sufficient support it is unrealistic to expect their continued or increased adherence to the charging policy. The need for a comprehensive approach to wife assault was discussed at the Consultation with Senior Justice Personnel held in November, 1986, and is discussed further in Section III, B, 4. of this report.

j) The Court Process

Recommendation #16 has to do with the difficulty of dealing adequately with wife assault cases in Provincial Court because of time constraints, the Criminal Court setting, and the fact that all other family matters are dealt with in the Family Court Division of Supreme Court, so that families may be involved in the two court levels at the same time. An example of the kind of problem that has arisen is visiting rights being ordered by Family Court while a recognizance order from Provincial Court is in effect. Recommendation #16 suggested that the appropriate personnel work together to establish some mechanism to help the courts deal effectively with wife assault cases.

Because of the emphasis in the 1983 research on police services (with the exception of the Witness Survey),

and the lack of data about the court experiences of wife assault victims, it is not possible to compare findings between the two studies regarding court.

The researcher's impression is that the court process is taking longer now than it was in 1983. Although 26 charges were laid, the court process was finished in only nine cases at the time of the first interview which was usually conducted between one and two months after the incident. Follow-up interviews with thirteen victims were held between five and eleven months later, depending on how long the court process took. (Generally, because of delays in the court process, the researcher called the victim several times before the follow-up interview was held.)

After a not guilty plea and several months' wait for a hearing, one victim requested the Crown drop charges of assault causing bodily harm which the police had laid. (This was a very serious assault, but a first-time incident, not a live-in situation and the victim did not want the accused to have a criminal record.) In another case, charges were dropped without the victim's knowledge and a recognizance order was granted instead. Of the remaining eleven victims interviewed in the follow-up survey, six mentioned delays and postponements resulting in up to a ten-month period (in three cases) between the date of the incident and court disposition.

Several other problems with the court process were mentioned by wife assault victims, in addition to long delays. In one case, the victim had only a few hours' notice of a Family Court hearing for breach of restraining order and had to contact her witnesses herself. Although a charge of assault had been before Provincial Court for approximately ten months, eventually the judge decided that the charge could not be heard because the assailant had been sentenced in Family Court for breaching the restraining order. This case was also reassigned at the last minute to a lawyer who was not a staff Crown Attorney and the victim had no chance to talk with the new prosecutor before court.

In five cases, the victim had to wait for court in the same area as the accused, although in three other cases, the Crown Attorney took the victim to a separate waiting area.

Nine or 43% of the 21 victims whose cases eventually resulted in sentences or recognizance orders were not satisfied with the sentence/order imposed because they felt the sentence was not severe enough. Two victims mentioned that they felt that the accused should have been ordered to attend the Turning Point programme.

Difficulties wife assault victims experience with the court process was one of the matters discussed at the

Consultation with Senior Justice Personnel held in November, 1986.

3. SUMMARY OF FINDINGS & CONCLUSION

A point-form summary of the findings regarding wife assault victims interviewed during 1985/86 and, where possible, a comparison with victims interviewed during 1983 is as follows:

- 49 or 83% of the 59 cases in the 1985/86 study involved repeated abuse;

- the frequency, time period, and extent of abuse varied widely from one situation to another;

- 13 (22%) of the 59 victims required medical treatment following the incident discussed during the 1985/86 survey;

- 49 of the 59 victims (83%) were either not living with the assailant at the time or left following the reported incident;

- in 21% of the cases in the 1985/86 survey and 29% of the cases in the 1983 survey, the children were also abused or threatened by the assailant;

- the wife assault victims in both surveys suffered considerable traumatic effects, both immediate and lasting for a week or more;

- a significantly larger proportion of victims in the 1985/86 survey (97% compared to 74% in 1983 survey) talked with a friend or relative about the incident, possibly indicating a changing attitude, i.e. that wife assault is not something to be kept hidden and not the victim's fault;

- most wife assault victims were able to get ongoing emotional support and counselling as needed, but some victims in both surveys did not receive sufficient emotional help;

- the rate of reported cases of wife assault was lower in 1985/86 than in 1983. This may represent a decrease in the actual incidence of wife assault on P.E.I., due to such factors as public education and the police charging policy, or it may indicate only a temporary change.

- in nine cases in the 1985/86 survey the police removed the assailant, instead of the victim (and children), from the home;

- a significantly lower proportion of wife assault victims (64%) in the 1985/86 survey (a decrease from 85% in the 1983 survey) took shelter outside their homes following the incident, a change possibly due in part to the police removing the assailant from the home in some cases;

- while the two samples were similar with respect to the percentage of victims living with their assailants at

the time of the incident, a significantly higher proportion of victims in the 1985/86 sample called the police than in the 1983 sample, suggesting less hesitancy to report incidents even when the victim is still living with the assailant;

- a comparison of the 1983 and 1985/86 studies indicates no significant changes in the victims' perceptions of and satisfaction with the police response;

- as far as the victim knew, the assailant was referred to the Turning Point group treatment programme (begun in 1984) in only 22% of the cases studied during 1985/86;

- most of the 46 officers interviewed during the police survey (conducted in 1986-87) did not indicate a high level of interest in or knowledge about Turning Point;

- Anderson House continues to provide essential services to many wife assault victims and, while its funding has increased since 1983, the long-term financial situation has not yet stabilized;

- the police survey indicated that only 18 officers (39%) were aware of the policy of Social Services (not yet in writing) to arrange or pay for transportation to Anderson House;

- neither the proportion of victims seeking help from Family Legal Aid nor the victims' level of satisfaction with services provided differed significantly between the two surveys;

- for the majority of wife assault victims from both surveys who sought help from Legal Aid, adequate legal assistance was not provided;

- the four victims in the 1985/86 survey who received assistance from staff Crown attorneys were either very satisfied or satisfied with the assistance they received;

- police have not been routinely distributing the "What Battered Women Should Know About the Law" brochure to wife assault victims and most officers surveyed had not read it, indicating the need for a renewed effort to familiarize police officers with the brochure;

- there is no significant difference between the two samples of wife assault victims regarding the proportion of victims who were provided with case progress information;

- compared to 1983, there seems to be progress, particularly by the R.C.M.P., toward implementing the policy of police laying charges in wife assault cases;

- most officers surveyed (58%) indicated that they usually

lay charges in wife assault cases rather than leaving it to the victim to lay charges, and most officers (67%) feel that police laying charges in wife assault cases is a good practice;

- because of lack of data (in the 1983 survey) regarding wife assault victims' experiences in court, the two surveys cannot be compared in this respect, but for most victims in the 1985/86 survey whose cases went to court, the court process was long and difficult.

These findings lead to the conclusion that some progress is being made towards improving attitudes towards, services for, and police practices in assisting wife assault victims. Yet there are still further changes needed and gaps in services to be filled before the needs of wife assault victims will be adequately addressed by the criminal justice system on P.E.I.

4. CONSULTATION WITH SENIOR JUSTICE PERSONNEL

Through its efforts to implement recommendations from the Study for the Planning of Victim Assistance Services on P.E.I., the Victims Committee recognized that three recommendations (#'s 8, 13, and 16) formed part of larger issues concerning the treatment of wife assault victims by the criminal justice system and could not be dealt with adequately by the Victims Committee alone.

The Victims Committee decided to hold a Consultation with Senior Justice Personnel (for invitation list see Section IV, A, 3) to discuss the following issues:

a) The need for protection of wife assault victims following an assault incident.

b) The need for improved access to legal services for wife assault victims.

c) The need for appropriate mechanisms in Family Court and Criminal Court to deal effectively with wife assault.

The purposes of the Consultation were stated as:

1) to examine these issues in the light of research findings, and

2) to consider possible solutions as a basis for further recommendations to the Minister of Justice.

For each of the above issues, the researcher presented a statement of the problem based on research findings and a respondent discussed the issue further and suggested possible solutions. A summary of these presentations follows.

a) <u>The Need for Protection of Wife Assault Victims Following an Assault Incident</u>

The researcher's presentation outlined the difficulties with the unproclaimed <u>Mental Health Act</u> and discussed the need for protective measures for wife assault victims, based on research findings as previously stated in

earlier sections of this report.

In her response, Judy Haldemann, Departmental Solicitor, P.E.I. Department of Justice, outlined the rights of the accused which need to be considered, the present remedies for the victim and problems with these remedies, and some possible alternatives. She suggested that S. 745 C.C. (peace bond or recognizance order) could be used more frequently and more effectively, particularly if a victim's advocate could assist with bringing these forward in appropriate cases and if delays in getting before the court could be avoided. Regarding the restraining order provision of the Family Law Reform Act, she suggested that the Act be changed so that the definition of spouse would include common law and so that exclusive possession of a matrimonial home would not need to depend on ownership or lease.

Ms. Haldemann further discussed giving "legislative authority to the idea that a person who assaults a family member loses some of his civil rights in favour of protection for the victim." An example of protective legislation is New Brunswick's Adult Protection Act. Ms. Haldemann cautioned regarding the importance of distinguishing between dependent adults (i.e. disabled and elderly) and abused adults (including wife assault victims). She also pointed out that it is too easy to become paternalistic in protecting victims and we

have to be careful not to intrude on the rights of victims.

b) The Need for Improved Access to Legal Services for Wife Assault Victims

The researcher indicated the extent of wife assault victims' needs for legal services regarding various matters, the potential confusion regarding eligibility for Legal Aid, the difficulties many wife assault victims experience in obtaining satisfactory legal assistance, and the importance of support and information from the Crown Attorney when charges have been laid. These matters have been discussed previously under the section on Legal Services.

The response by Beverly Mills Stetson, Executive Director of Community Legal Information Association, focussed on Legal Aid services. A summary of issues addressed in Ms. Stetson's presentation follows:

1) Structure and administration. Although all other legal aid plans in Canada are administered separately from government, P.E.I. Legal Aid operates as part of the Department of Justice. A study by the Canadian Bar Association, The Provision of Legal Aid Services in Canada, recommends that legal aid agencies should be independent statutory bodies under the direction of Boards which guarantee balanced representation of the interests of the profession, government, and community.

2) Finances. P.E.I. receives the highest percentage of federal government contribution (85-90%) while the province contributes the lowest per capita expenditure ($0.45 in 1984-85). (Source: Legal Aid in Canada 1985, Statistics Canada, Ottawa)

The Fifth Annual Report, P.E.I. Family Legal Aid (1984-85) states that due to staff and budget limitations, legal aid services cannot be provided to people who qualify in every other way.

3) Coverage. On P.E.I., the Director of Legal Aid makes the final decision for legal aid approvals; there is no appeal process for refusal of coverage. P.E.I., along with New Brunswick, had the lowest rate of approved applications from 1981-85 (6 per 1,000 population). Family coverage on P.E.I. is subject to staff and budgetary limitations.

c) The Need for Appropriate Mechanisms in Family Court and Criminal Court to Deal Effectively with Wife Assault

The researcher's presentation pointed out the problems related to dealing with family matters at two court levels, special difficulties for wife assault victims faced with a court process taking up to ten months, the need for adequate preparation for court, sentencing options, and additional difficulties when children are involved. These issues were discussed at length

under section III, B, 2, j) - The Court Process.

The researcher also brought forward possible solutions from Provincial Court judges and Crown attorneys when they were asked as part of a survey during the summer of 1985 for their suggestions for mechanisms which might assist the courts to deal more effectively with wife assault cases.

Suggestions included: 1) a victim assistant to provide support and information, including all Family Court and Provincial Court alternatives; 2) a pre-plea assessment by a probation officer or Family Court worker to provide additional information which would assist the court in determining the most suitable sentence; 3) a diversion programme which would require that the accused admit guilt to a court worker and conform to the diversion requirements, or else be taken back to court; and 4) an amendment to the Criminal Code which would provide that wife assault cases, while still considered criminal matters, could be heard in Family Court where all other family matters are dealt with.

The response by Chief Justice Norman Carruthers included the following points: the need for co-operation and communication at all levels, particularly between Provincial and Family Court so that proper information can be

brought to the judge's attention and satisfactory arrangements can be reached; the need for more public education about the function of the courts; the need for more resources in the court system, particularly in Provincial Court because of the extra load caused by the Young Offenders Act; the need to speed up the court process; frustration with people who abuse court services; and the need for a person to assist with preparation and support of victims.

Each of the above issues was discussed by the 24 participants at the Consultation, both in brainstorming sessions and in small group discussions. Many ideas were generated through this process. Points of consensus reached included the need for more resources, more public education, and victim assistance services.

Notes from the Consultation with Senior Justice Personnel were compiled by the Co-ordinator of the Justice Resource Service for further discussion by the P.E.I. Committee on Victims of Crime. The Victims Committee then carried forward its conclusions and recommendations in its Third Report to the Minister of Justice, as summarized in the following section.

## 5. RECOMMENDATIONS FROM THE P.E.I. COMMITTEE ON VICTIMS OF CRIME TO THE P.E.I. MINISTER OF JUSTICE

The following is a summary of discussion and recommendations from the Third Report of the P.E.I. Committee on Victims

of Crime, February, 1986, to January, 1987, to Hon. Wayne D. Cheverie, Q.C., Minister of Justice, Labour, & Attorney General, Province of P.E.I.:

a) Reinforce Charging Policy

In 1983, the Attorney General for P.E.I. requested that police lay charges in cases where there is reasonable and probable grounds to believe that an assault has taken place. The police practice of laying the charges makes it clear to the victim and the offender that it is the responsibility of the police to lay charges. Research has indicated that when victims have not laid charges themselves or have asked that charges be dropped, fear of retaliation has been the most common reason.

Progress is being made but research indicates that police laying charges is not yet a consistent practice across the province.

A clear police policy to lay charges when there are reasonable and probable grounds is necessary and the

(1) Victims Committee therefore recommends **that the Minister of Justice review the policy requiring police to lay charges in cases of wife assault with a view to reinforcing a consistent application of the policy.**

b) Conditional Release

In some cases the police have removed the assailant temporarily from the home. In some cases police

intervention, laying charges and removing the assailant temporarily is a sufficient deterrent to prevent further violence but in other cases it is not. Laying charges and temporarily removing the assailant will not necessarily afford the victim adequate protection as there is often a long delay before the case comes up in court especially if the accused pleads not guilty.

To prevent the intimidation of battered women who then may become hostile witnesses, prosecutors should request that release of accused batterers be conditional. The release order should specify in writing that the defendant vacate a shared residence, that he avoid personal, telephone, or written contact with the victim and that he not assault or harass her. The defendant, the victim and the police should receive copies of the order.

The only practical obstacle to be overcome with this practice would be the availability of a Provincial Court Judge or Justice of the Peace to give the order. Also, consideration would have to be given to any custody order already in place which may be contradictory to the conditions in terms of contact.

Therefore, the Victims Committee recommends to the

(2) Minister of Justice **that when an accused batterer is arrested and held temporarily certain conditions be**

**placed on the accused (by the courts on request of the Crown) before a pre-trial release.**

c) Emergency Protection Act

Some jurisdictions have dealt with this issue by providing an emergency court order forbidding the assailant to return home or contact the victim until a court hearing can be held. Emergency protection legislation must be drafted very carefully and a clear distinction must be made between dependent adults such as elderly or disabled persons and abused adults, typically wife assault victims.

Such legislation could provide clearer authority and support for the police to remove the assailant from his home, thus resolving a gray area that now depends on police discretion.

(3) Therefore, the Victims Committee recommends **that the Minister of Justice investigate the possibility of emergency protective legislation.**

d) Amendments to the Family Law Reform Act

Under the Family Law Reform Act, the definition of "spouse" does not include common law partners. This means that common law wives, as much victims of assault as married women, do not receive protection under Section 34 (the Section providing for restraining orders which

require a spouse or former spouse to refrain from "molesting, annoying, or harassing" his spouse). Similarly, children of common law relationships are not protected under Section 34.

An amendment to this definition would be a substantive change and would have implications for property settlements. The majority of provinces do include common law partners in their definitions of spouses.

Exclusive possession of a matrimonial home is another mechanism which can be used to offer protection to the wife assault victim. The Act could be amended to allow exclusive possession of the matrimonial home to be awarded to a domestic violence victim while a permanent settlement is being worked out. At the present time, this is limited to married partners and also does not apply to a residence which does not depend on ownership or lease.

(4) The Victims Committee therefore recommends **that the Minister of Justice review the Family Law Reform Act with special regard to the definitions of spouse and matrimonial home**.

e) Priorizing Court Cases Involving Victims

Concerns have been raised about the length of time involved in resolving cases involving specific individuals

as victims. Also, crimes against people are not given priority over crimes against property in the court system.

Research indicates that criminal court proceedings involving wife assault victims are taking longer now than in 1983. Delays such as these present particular problems for wife assault victims because they often have to continue to deal with the accused concerning child visitation, they are subject and often vulnerable to pressure to withdraw charges, and/or they may be harassed or threatened by the accused. Waiting for the court process to be completed adds further stress to an already difficult family situation.

Lengthy delays in court appearance can also be especially distressing to sexual assault victims and many of the same issues as wife assault victims are relevant - the fear of retaliation, the need for information and support, the need for swift intervention.

(5) The Victims Committee therefore recommends **that the Minister of Justice develop a policy urging Crown Counsel to implement practices that will ensure that cases involving victims receive priority consideration, especially when personal injury or loss is experienced and keeping in mind the special needs of wife assault and sexual assault victims.**

f) Independent Review of Legal Aid

Problems identified include inadequate funding for P.E.I. Legal Aid; the need for public and professional education about criteria, coverage, and eligibility for legal aid; the potential for conflict of roles when the same staff provide both Public Defender and Family Legal Aid services; lack of a civil legal aid programme on P.E.I.; and lack of an appeal process.

(6) The Victims Committee therefore recommends **that the Minister of Justice undertake an independent review of legal aid with a view to developing a more comprehensive approach to legal aid services**.

In proceeding with such a review, the views of interest groups should be solicited in developing the terms of reference.

g) Policy Board Submission

A major initiative emerging from the work of the Victims Committee is the concept of a Victim Assistance Programme. The victim assistants could provide information and support to victims in a consistent and caring manner. While not intended to replace or take over existing roles in the justice system, the program could help with communication and co-ordination.

(7) The Victims Committee recommends **that the Minister of Justice bring before Policy Board the concept of a Victims Assistance Program and the need to continue further joint efforts toward the objective of meeting the needs of victims of crime in the province**.

## IV. SEXUAL ASSAULT

### A. Methodology

Referrals of sexual assault victims were received from police across P.E.I. and from the P.E.I. Rape and Sexual Assault Crisis Centre for incidents occurring between April 1, 1985, and November 30, 1986. The victims were contacted by telephone, the purpose of the survey was explained, and victims were given the option of a telephone or personal interview. All interviews were conducted by the researcher and took approximately one hour, on average, to complete.

Twenty-four referrals were received from the R.C.M.P. and 31 from municipal police (25 from Charlottetown and 6 from Summerside), and two additional referrals were received from the P.E.I. Rape and Sexual Assault Crisis Centre. Twenty-nine of these could not be included in the survey because the victims were under 16 years of age in 24 cases and because the offence occurred before April 1, 1985, in 5 cases, leaving 28 victims who fit the parameters of the research (i.e. victims over the age of 16 and incidents occurring between April 1, 1985, and November 30, 1986). Thirteen victims (46%) could not be interviewed, eight because they had no phone and five for other reasons.

The P.E.I. Rape and Sexual Assault Crisis Centre referred several victims, but except for two they had already been referred by the police. The Crisis Centre helped the researcher contact some of the victims, however, and also helped design the

questionnaire which was used for the sexual assault victims survey.

Fifteen sexual assault victims (54%) were interviewed and three of these were interviewed a second time after the court process had been completed, while two others were still before the court as of November 30, 1986, and one could not be reached for follow-up.

## B. Findings & Implications

The Study for the Planning of Victim Assistance Services on P.E.I. did not deal with sexual assault victims separately from general victims. Thus, no comparisons regarding sexual assault victims can be made between the two studies and the following findings focus on the experiences of sexual assault victims, the services used, and satisfaction with these services.

Although none of the 21 recommendations from the Study addresses the needs of sexual assault victims per se, some recommendations (i.e. #'s 3, 4, 6, 17, and 19) are pertinent to these as well as other victims of crime. A discussion of these recommendations as well as additional recommendations from the P.E.I. Rape and Sexual Assault Crisis Centre follows the discussion of general findings.

### 1. GENERAL FINDINGS

#### a) Nature of Reported Incidents

The fifteen sexual assault victims ranged in age from

teenagers to over 80 years of age. Two of the victims interviewed were mentally handicapped, including the only male victim in the sample.

The incidents included: one violent rape of an elderly victim involving repeated hitting and choking until unconscious, six rapes by relatives or acquaintances, six attempted rapes including three with violence or threats with a knife, one forced fellatio at knife-point, and one indecent exposure.

Most of the incidents took place either outside (in seven cases) or in the victim's home (in five cases). In all the incidents which took place in the victim's home, the accused was an acquaintance of the victim.

Property loss or damage was included in five cases, although not of large value, i.e. none exceeding $100.

b) Emotional Effects & Needs

As indicated by Table 8, emotional trauma suffered by the sexual assault victims was severe and lasting, including shock, fear, anger, and trouble sleeping. The one victim who did not suffer lasting effects was the victim of indecent exposure.

When asked how seriously the sexual assault affected

**Table 8. Emotional Reactions Reported by Sexual Assault Victims**

1985-86 Survey - Sample Size: 15

| Reactions immediately following the incident | Number Reporting | (Per Cent) Response |
|---|---|---|
| Volunteered responses: | | |
| In shock/confusion/disbelief | 6 | (40%) |
| Scared/nervous/upset | 5 | (33%) |
| Embarrassed/felt violated | 3 | (20%) |
| Wondered if she'd done something to cause it | 1 | (7%) |
| Became very calm, blocked it out, too much to handle | 1 | (7%) |
| Dazed from striking head when thrown against wall | 1 | (7%) |
| Unable to walk, weak from shock and being choked | 1 | (7%) |
| Worried about pregnancy | 1 | (7%) |
| Prompted responses: | | |
| * Nervous | 11 | (73%) |
| * Crying or shaking | 15 | (100%) |
| * Angry | 11 | (73%) |
| Physically sick or nauseous | 6 | (40%) |
| * Confused or in a state of shock | 12 | (80%) |
| Lasting effects | | |
| Volunteered responses: | | |
| Unable to stay by herself at night/deafness | 1 | (7%) |
| Depression/suicidal thoughts, self-doubt | 2 | (13%) |
| Prompted responses: | | |
| * Nervous | 12 | (80%) |
| Crying or shaking | 7 | (47%) |
| * Afraid of being alone | 12 | (80%) |
| Afraid of entering her home | 6 | (40%) |
| Afraid of going out at night | 9 | (60%) |
| * Angry | 12 | (80%) |
| Memory loss | 5 | (33%) |
| Confused or in a state of shock | 5 | (33%) |
| Physically sick or nauseous | 3 | (20%) |
| * Trouble sleeping | 12 | (80%) |
| Headaches | 2 | (13%) |
| Lack of appetite | 6 | (40%) |
| Fear of pregnancy as a result of the assault | 1 | (7%) |
| Fear of infection as a result of the assault | 4 | (27%) |
| None of the above (no lasting effects) | 1 | (7%) |

* Indicates most common responses.

their lives, seven (47%) responded "very seriously," four (26%) "seriously," three (20%) "not seriously," and one (7%) "not seriously at all." Given the range of reported incidents, the variation in these responses is not surprising.

The victims were also asked about specific problems which may have arisen in their lives as a result of the sexual assault. Twelve of the fifteen victims (80%) reported problems as follows: mental or emotional suffering in eleven cases; lifestyle changes, e.g. restricting activities, in nine cases; problems with her family in nine cases; losing time from normal activities in eight cases; had to take medication in five cases; decided to move in two cases and wanted to move if she could afford to in three cases; and started drinking by herself in one case.

Twelve of the victims told someone what happened within an hour of the incident, while two victims waited until the next day, and one did not tell anyone until several months later. The first person told was most commonly a friend or neighbour and most victims found that the first person they told was supportive and helpful. While all victims talked to someone close to them about the incident, seven also talked with a trained counsellor, most commonly from the Rape Crisis Centre. When asked which they found more helpful, four responded

that they found talking with a friend or relative more helpful, two found the counsellor more helpful, and one found them both helpful in different ways.

Of eleven victims who indicated a need for ongoing emotional support, nine obtained this help from family, friends, or the Rape Crisis Centre, but two did not receive the support they felt they needed. Of the seven victims who sought professional counselling, one was not satisfied with the assistance she received from Community Mental Health Services.

c) Physical Injuries & Medical Treatment

Bruises were the most common physical effects, although one victim suffered a concussion and the elderly victim who lost consciousness from choking also suffered long-term weakness in her legs and hearing loss.

Nine of the fifteen victims (60%) sought medical treatment. Except for one victim who waited for an hour for her family doctor to arrive at outpatients, the victims did not have to wait long before receiving treatment.

The Sexual Assault Evidence Kit was used in five cases and in all cases the attending medical staff explained the use of the kit either before or during its use. In two cases the medical staff gave the victim a "morning after pill" and in one case the staff provided

information about VD. In three cases, the staff suggested further medical follow-up.

The victims were either very satisfied (in three cases) or satisfied (in six cases) with the treatment they received from medical staff, although three victims stated that they found the use of the Sexual Assault Evidence Kit a difficult experience. Two others felt that the medical staff were not as understanding as they might have been.

d) P.E.I. Rape & Sexual Assault Crisis Centre

Although ten of the fifteen victims had heard of the P.E.I. Rape and Sexual Assault Crisis Centre, only five victims had contacted the Centre at the time of the first interview. The two victims of attempted sexual assault did not think their situation was appropriate since the sexual assault was not actually completed, while the victim of fellatio at knife-point felt that she was over the incident after the first few days. The researcher provided information about the Crisis Centre to those victims who had not already contacted the Centre.

Services provided by the Crisis Centre included accompaniment to the doctor's office, police, the Crown attorney and court as needed. All five victims who contacted the Crisis Centre received counselling services.

One victim was referred by the Crisis Centre to Anderson House for safety after she met the accused (an acquaintance who had raped her on two occasions) on the street. Two of the victims indicated that they attended the support group which was started by the Crisis Centre during the time period of the study.

Four victims were very satisfied with the services offered by the Crisis Centre and one was satisfied, but suggested that the volunteer assigned to assist her could have provided more information and returned her phone calls. Other suggestions offered were: there should be more publicity about the Crisis Centre so that more people would be aware that it exists; and the Crisis Centre volunteers should ask questions rather than leaving it to the victim to tell everything that happened.

e) Repeat Victimization/Relationship to Accused

In only seven (47%) of the sexual assault cases was the offender a stranger to the victim. Six of the offenders were acquaintances of the victim and two were relatives (one brother and one grandfather).

Four of the victims had been victims of the same offenders in the past but had not reported the previous incidents to the police. A question to consider is whether, because they did not report the first incident

to the police, these victims were perceived as especially vulnerable by the offenders who perhaps thought that if they got away with it once they could do it again. Also, waiting until a second incident occurred before reporting could be interpreted as an indication of sexual assault victims' hesitancy to report incidents to the police.

Four victims had been victims of similar crimes by other offenders so that eight victims in all (53%) were subject to repeat victimization. The high percentage of repeat sexual assault victimization seems even more startling given that none of the victims indicated that they had ever been victims of any other type of crime.

f) Offender Punishment/Treatment Issues

When the victims were asked what the offender deserved for what he had done, their responses seemed to correlate, when studied on a case by case basis, with the severity and circumstances of each incident.

Nine victims thought the offender should be sent to prison; the longer sentences were suggested by those who had been raped and shorted sentences by victims of attempted sexual assaults. The two victims who had been sexually assaulted by relatives emphasized treatment or prevention of further incidents, one stating

that her grandfather should be kept in the nursing home to prevent him from molesting other children, and the other stating that her brother needs help and should receive counselling. A victim who had been raped in two separate incidents by the same offender stated that he should be emasculated, while a victim of two separate attempted sexual assaults by someone with whom she had had a previous relationship said that he should be ordered to take treatment for his drinking problem. Another victim of attempted rape with violence thought that the offender should be made to understand what she went through, what it felt like to be violated in such a way. The victim of indecent exposure felt that he should at least have been charged with the offence and a victim who was grabbed around the breasts and waist from behind by a stranger said it was up to the courts to decide what he deserved.

There is no treatment programme for sex offenders on P.E.I., although this lack has been recognized by the P.E.I. Rape and Sexual Assault Crisis Centre and the Interagency Committee on Domestic Violence as a gap in services. The numbers may seem small for a group treatment programme, but when the fact that many more sexual assaults against children than against adults are reported is taken into consideration, it may be that group treatment would be a viable option.

g) Police Response

All fifteen sexual assault victims called the police regarding the incident, but in two cases it was approximately six months later when the police were contacted.

In eleven of the fifteen cases a suspect was identified, but charges were laid by the police in only six cases. In two cases charges were not laid because the victim had a previous relationship with the offender; in the indecent exposure case the accused said it must have been a mistake and the police apparently believed him; in the case in which the grandfather was the assailant, the victim did not wish to have him charged; and in one case the reason was not stated, but the incident (rape) had not been reported to the police until six months later.

Table 9 indicates the victims' perceptions of the police response, based on a series of statements which the victims indicated were true or not true for them.

Six of the sexual assault victims were very satisfied with the police response, five were satisfied but four were not satisfied. Suggestions for improvement included: greater understanding and sensitivity towards sexual assault victims, for instance, by going to the victim's residence instead of insisting that she go into the

Table 9. Sexual Assault Victims' Perceptions of Police Response

Sample size: 15

| | True | Per Cent | Not True | Per Cent | Other | Per Cent |
|---|---|---|---|---|---|---|
| Quick police response | 9 | (60%) | 1 | (7%) | N/A-5 | (33%) |
| Polite, courteous officer | 13 | (87%) | 1 | (7%) | True but officer at desk not helpful | (7%) |
| Sympathetic officer | 12 | (80%) | 3 | (20%) | | |
| Police made victim feel partly responsible | 2 | (13%) | 13 | (87%) | | |
| Presence of officer made victim feel safe and secure | 12 | (80%) | 3 | (20%) | | |
| Police did all they could to locate and arrest criminal | 11 | (73%) | 3 | (20%) | N/A-1 | (7%) |
| Police kept victim informed during investigation | 6 | (40%) | 7 | (47%) | Victim kept calling police - 2 | (13%) |
| Police told victim about available services | 4 | (27%) | 11 | (73%) | | |
| Police gave crime prevention information | 3 | (20%) | 12 | (80%) | | |
| Officer did not believe victim's description of incident | 1 | (17%) | 9 | (60%) | Not sure-5 | (33%) |

police station to make her report; taking such incidents more seriously and being more supportive and helpful; more patrols of city streets at night; laying charges; informing victims about the Rape and Sexual Assault Crisis Centre; and providing more information about charges laid and case progress information.

In summary, sexual assault victims' perceptions of the police were mixed: some felt they had been treated well and the police had done as good a job as they

could have while others felt there was considerable room for improvement.

h) Court Process

The court process was initiated in six (40%) of the fifteen cases. Three victims were interviewed a second time after the court case was completed, one victim could not be reached for follow-up although the Rape Crisis Centre advised that the case had been completed in court, and two cases were still before the court as of December, 1986. One of these concerned a rape which occurred in July, 1985, and had been through preliminary hearing, but the trial had been postponed until April, 1987.

Only two victims had talked with the Crown attorney by the time of the follow-up survey. In both cases, the Crown attorney had talked with the victim prior to the court date, explained court procedures, helped the victim prepare as a witness, explained what charges were being laid and why, and thoroughly explored and developed the case. Both victims were very satisfied with the treatment they received from the Crown attorney and one mentioned that she found him very understanding, helpful and concerned.

In one case, after several postponements over a seven-month period, a prison sentence of 4½ years was imposed.

This case was the violent rape of the elderly woman who was hit repeatedly and choked until unconscious. This victim suffered most severely, both emotionally and physically, and she was not satisfied with the sentence imposed. The police were very helpful and considerate to this victim, her family provided considerable support, and she was spared the embarrassing ordeal of testifying in court; yet she still felt disappointed by the criminal justice process and felt that her difficulties had been given no consideration by the court. Even restitution of $200 to pay her medication costs and/or criminal injuries compensation for pain and suffering would have been of some help.

In one case, the victim had testified at the preliminary hearing, waited several months before a trial date was set, then the accused had pleaded guilty at the trial approximately one year after the incident. The victim found the waiting very stressful and felt that she could not get on with her life until it was over. At the time of the follow-up survey, a sentence had not yet been imposed.

In the third case, the accused had pleaded guilty but at the time of the follow-up interview, the victim had not yet been informed of the sentence.

## 2. SUMMARY OF FINDINGS AND CONCLUSION

A summary of the findings from the sexual assault victims survey is as follows:

- in the fifteen cases studied, the seriousness of the crimes varied, but most included rape or attempted rape, often with violence;

- emotional effects suffered by the sexual assault victims were severe and lasting;

- the sexual assault victims were generally satisfied with the treatment they received from medical staff;

- the victims who contacted the P.E.I. Rape and Sexual Assault Crisis Centre were satisfied with the assistance they received;

- the majority (53%) of the victims were acquainted with or related to the offender;

- eight (53%) of the victims had been victims of similar incidents in the past, four of them by the same offender;

- most of the victims felt that the offender deserved a prison sentence;

- although a suspect was identified in eleven of the fifteen cases, the police laid charges in only six cases;

- most victims were satisfied or very satisfied with the police response, but four (27%) were not;

- the court process is particularly stressful for sexual assault victims and often takes a long time.

Although the number of sexual assault victims interviewed was small, the findings clearly underline the special needs of these victims and the necessity of assisting them with compassion and understanding if they are not to feel that they have been victimized a second time by the criminal justice process itself.

3. DISCUSSION OF RECOMMENDATIONS #3, 4, 6, 17 and 19

Some recommendations from the Study for the Planning of Victim Assistance Services on P.E.I., while not specifically designed to address the needs of sexual assault victims, would benefit these as well as other crime victims. The following discussion briefly summarizes progress to date in the implementation of these recommendations.

a) Criminal Injuries Compensation

Recommendation #3 suggested that consideration be given to the possibility of establishing a means on P.E.I. to provide compensation for injured crime victims. The Victims Committee has considered this matter at length and has included a criminal injuries compensation programme as one of the components of a proposed Victim Assistance Programme.

The overall purpose of the proposed victim assistance programme is to co-ordinate and integrate available resources into a viable and effective network of services to meet the needs of victims of crime on P.E.I. This is to be accomplished through:

a) assisting criminal justice personnel and community agencies in their efforts to provide services to victims of crime;

b) assisting victims as needed throughout their contacts with the criminal justice system;

c) helping victims to access other needed services;

d) publicizing and assisting with the administration of a criminal injuries compensation programme;

e) by functioning in a liaison and co-ordinating role, helping to ensure that communication channels among criminal justice personnel and with crime victims are open and adequate.

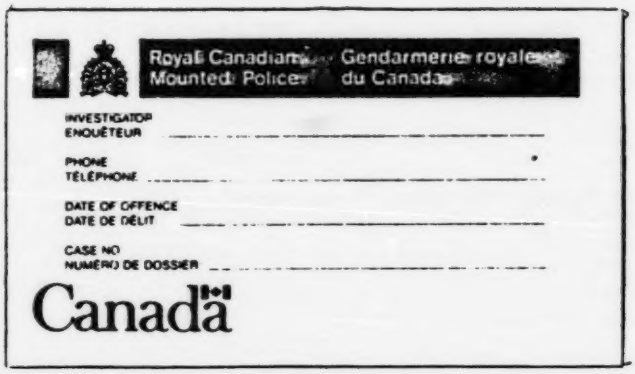
Primary service activities will include: provision of information; emotional support and short-term counselling; referrals; assistance with financial reparation; assistance with preparation of Victim Impact Statements; victim/witness services; and assisting with handling of complaints.

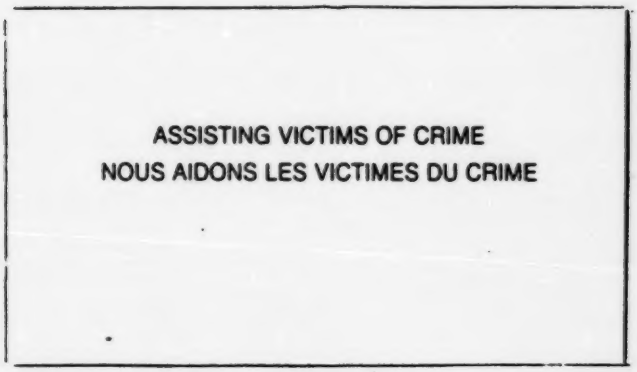
Priorities for referral by police and other agencies to the victim assistance programme will include: victims of domestic violence; victims of sexual assault, including incest; victims who have suffered through court; and other victims and families of victims suffering from discernable trauma (e.g., from drinking and driving incidents, robberies, etc.).

b) Case Progress Information

Recommendation #4 stated that case progress information should be made available to crime victims by means of the officer at the scene providing them with the occurrence number of the incident. The Victims Committee decided that the best way to implement this recommendation would be by distributing professional cards to all police detachments/departments across P.E.I. for officers to use in their contacts with victims. Exhibit 1 illustrates the front and back of the cards distributed to the R.C.M.P.

**Exhibit 1. Police Cards**




Similar cards were distributed to all police detachments/ departments across P.E.I. by June, 1986. Since the sexual assault victims survey extended from April 1, 1985, to November 30, 1986, it would not be reasonable to expect that all 15 sexual assault victims interviewed would have been provided with cards. However, four

victims (27%) were provided with cards. Six victims (40%) indicated that the police kept them informed of what happened during the investigation of the incident and two additional victims (13%) called the police for case progress information.

During the police survey, 38 officers (83%) indicated that they have a supply of these cards and 26 of the 38 officers (68%) said that they find the cards very useful.

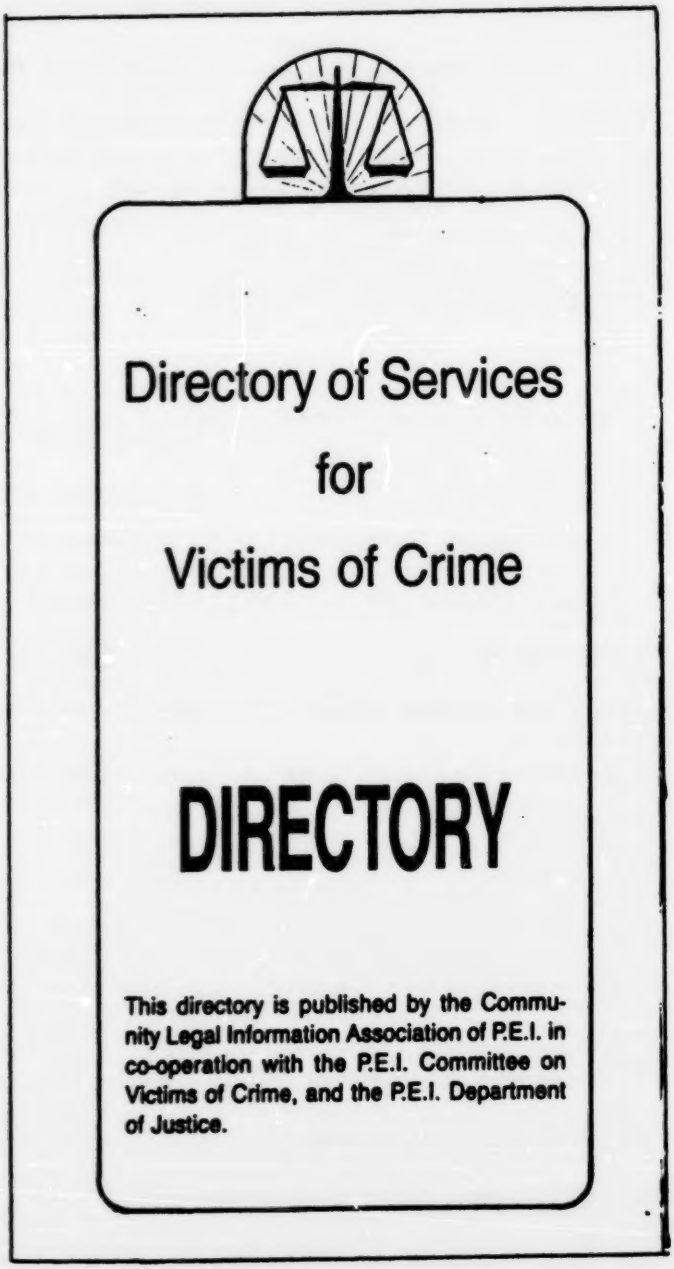
c) Handbook of Services

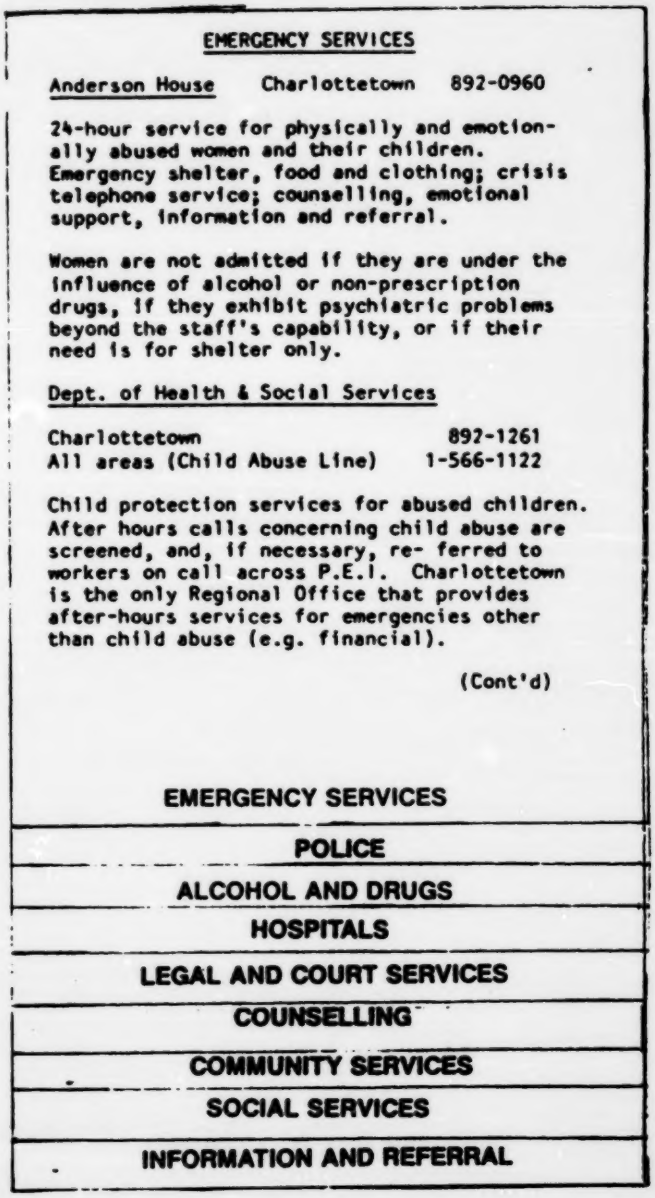
Recommendation #6 suggested producing a handbook of services available to crime victims on P.E.I. and distributing it to all police officers who deal directly with crime victims so that they can make appropriate referrals. Exhibit 2 illustrates the cover and first page (with colour-coded index) of the "Directory of Services for Victims of Crime," first distributed in March, 1986.

Four of the 15 sexual assault victims (27%) indicated that the police told them about available services including two victims who found out about the P.E.I. Rape and Sexual Assault Crisis centre by being referred there by the police.

During the police survey, 35 officers (76%) indicated

Exhibit 2. Directory of Services for Victims of Crime


Directory of Services
for
Victims of Crime
DIRECTORY
This directory is published by the Community Legal Information Association of P.E.I. in co-operation with the P.E.I. Committee on Victims of Crime, and the P.E.I. Department of Justice.



EMERGENCY SERVICES

Anderson House Charlottetown 892-0960

24-hour service for physically and emotionally abused women and their children. Emergency shelter, food and clothing; crisis telephone service; counselling, emotional support, information and referral.

Women are not admitted if they are under the influence of alcohol or non-prescription drugs, if they exhibit psychiatric problems beyond the staff's capability, or if their need is for shelter only.

Dept. of Health & Social Services

Charlottetown 892-1261
All areas (Child Abuse Line) 1-566-1122

Child protection services for abused children. After hours calls concerning child abuse are screened, and, if necessary, re- ferred to workers on call across P.E.I. Charlottetown is the only Regional Office that provides after-hours services for emergencies other than child abuse (e.g. financial).

(Cont'd)

EMERGENCY SERVICES

POLICE

ALCOHOL AND DRUGS

HOSPITALS

LEGAL AND COURT SERVICES

COUNSELLING

COMMUNITY SERVICES

SOCIAL SERVICES

INFORMATION AND REFERRAL

that they have a copy of the Directory of Services and 23 officers said that they find it very useful.

d) Witness Information Brochure

Recommendation #17 advocated the preparation of an information brochure for Crown witnesses to be distributed with subpoenas. The Victims Committee, with the assistance of Community Legal Information Association, developed a "Guide for Witnesses" brochure and in December, 1985, court clerks began distributing it with subpoenas.

Sexual assault victims were not specifically asked whether they had received and read the "Guide for Witnesses." (This question is addressed in the witness survey.) While the brochure would be of some assistance to sexual assault victims whose cases proceed through court, sexual assault victims would generally need additional support and information throughout the court process.

## 4. DISCUSSION OF RECOMMENDATIONS FROM P.E.I. RAPE & SEXUAL ASSAULT CRISIS CENTRE

As part of its process to implement recommendations and further assess the needs of victims of crime on P.E.I., the Victims Committee invited several special interest groups to present briefs to its meeting in September, 1985. Included in the brief from the P.E.I. Rape and Sexual Assault Crisis Centre were a series of recommendations which follow, along with a discussion of possibilities for implementation:

a) Needs of Child Victims

> Conduct research into the special needs of child victims of sexual assault, as well as the needs of mentally retarded or slow victims.

Research into the needs of child victims of sexual assault has not been included in the victims of crime monitoring and evaluation study. However, the P.E.I. Chapter of the Canadian Child Welfare Association with financial assistance from the Consultation Centre/Atlantic, Solicitor General Canada, recently sponsored research resulting in a report Sexual Offences Against Children on P.E.I. (January, 1986).

b) Research Special Needs of Sexual Assault Victims

> Determine reasons for low reporting rate by sexual assault victims and conduct further research which will determine and address the special needs of sexual assault victims.

While the Study for the Planning of Victim Assistance Services on P.E.I. did not address the needs of sexual assault victims as a group separate from general victims, the monitoring study does have a special emphasis on sexual assault victims and includes interviewing sexual assault victims referred by the police and the P.E.I. Rape and Sexual Assault Crisis Centre for a 20-month period using a specially designed questionnaire.

c) Procedural Changes

(i) When consent is not an issue, use photographs and tapes in court to avoid, when possible, the necessity of having victims testify in court.

(ii) Change judicial procedures to avoid long delays and repeated adjournments in sexual assault cases.

(iii) Collect and make available statistics on sexual assault cases in court, convictions and sentences.

To implement these three recommendations, amendments to federal legislation and co-operation of judges, Crown attorneys, and defence counsel would be required. Because the Victims Committee has focused its attention primarily on implementing the recommendations from the Study for the Planning of Victim Assistance Services on P.E.I., it has not yet considered these additional recommendations in detail, except for the need to avoid long delays, particularly in cases involving victims of personal injury. This matter has been addressed in the Victims Committee's Third Report to the Minister of Justice and is discussed further under g) Right to a Speedy Trial.

d) Compensation Programme

Establish compensation programme which would be sensitive to the needs of sexual assault victims, i.e. including costs for stress-related illness and resulting loss of income, pain and suffering, etc.

The Victims Committee recognizes the need to consider the particular difficulties faced by victims of sexual assault as it develops a criminal injuries compensation programme for P.E.I. through the proposed Victim Assistance Programme.

In March, 1987, the P.E.I. Rape and Sexual Assault Crisis Centre and Women's Network inc., on their own initiative, presented a brief to the Hon. Wayne Cheverie, Minister of Justice, in order to bring to his attention "some basic problems that confront victims of sexual abuse who decide to go through the judicial process." The Director of Community & Correctional Services and the researcher were in attendance when the brief was presented to the Minister. A summary of recommendations from this brief and further discussion follows:

e) Advocacy Worker

> Recommended roles of an advocacy worker are: to inform victims of their rights; to familiarize victims with the judicial process and the court room before the trial begins; to interpret the law into language that the victim understands and is comfortable with; to keep the victim informed about all aspects of the case; to provide for the victim a sense of continuity and safety throughout the trial; to act as a liaison between the police, Crown attorney, and victim; to be available to respond to the victims' needs and concerns regarding the case.

The roles described in the above recommendation will be included within the work of Co-ordinators of Victim Services under the proposed Victim Assistance Programme.

f) Victim Impact Statements

> Adopt the practice of offering the victims of sexual abuse the option of using Victim Impact Statements in court so as to ensure that the pain and trauma suffered by victims of sexual assault are rightfully heard.

Increased use of Victim Impact Statements is included in the proposed Victim Assistance Program.

g) Right to a Speedy Trial

> Accord victims a right which is given to accused persons, i.e. the right to a speedy trial. Due to the difference in nature of crimes against persons and the deep psychological trauma associated with being violated, a maximum of six months is recommended for the processing of crimes of sexual and physical abuse.

The P.E.I. Committee on Victims of Crime brought forward a similar recommendation in its Third Report, i.e. "that the Minister of Justice develop a policy urging Crown Counsel to implement practices that will ensure that cases involving victims receive priority consideration, especially when personal injury or loss is experienced and keeping in mind the special needs of wife assault and sexual assault victims." The Minister of Justice has since stated that he will be issuing a directive to Crown Counsel urging them to proceed with such cases as expeditiously as possible and avoiding any unnecessary delays, postponements, or adjournments.

h) Equal Representation

> That all women regardless of class, colour, age, or marital status are equally protected from violence by the law. That the victims of violence receive protection and representation under the law to the same degree as the accused. That the primary witness is treated as someone who has been violated until such a time as the courts have proven otherwise. That the witness is approached with the care and respect that is necessarily afforded to someone who has been traumatized.

Co-ordinators of Victim Services should be of some assistance in this regard, both directly by providing information and support to the victim and indirectly by functioning in a liaison role between the Crown prosecutor, police, and victim.

i) Education

> Recognizing the sensitive and critical nature of crimes of violence, it is recommended that justice workers, police, Crown prosecutors and judges be sensitized to the concerns of victims of violence, the serious nature of such crimes and the long term impact on a victim's life.

The Victims Committee currently is working towards a training program for police across the province. The training program will include components on sexual assault, wife assault, elderly victims, child victims, etc. Other efforts of the P.E.I. Committee on Victims of Crime toward raising awareness of criminal justice

personnel to the needs and concerns of victims of crime have included the Consultation with Senior Justice Personnel held in November, 1986, as well as other meetings and actions aimed toward implementing recommendations from the Study for the Planning of Victim Assistance Services on P.E.I.

## V. GENERAL CONCLUSIONS & IMPLICATIONS FOR FURTHER WORK

This report documents a high level of activity on Prince Edward Island over the past several years in working towards improvements for victims of crime. Efforts aimed towards assisting wife assault and sexual assault victims have been the particular focus of this report.

Using the recommendations from the Study for the Planning of Victim Assistance Services on P.E.I. as a basis for planning and action, the Victims Committee has initiated many changes and improvements for the benefit of crime victims. In regards to wife assault, noticeable improvements have been documented regarding victims' willingness to discuss their situation with a friend or relative and to contact the police, and regarding police officers' willingness to lay charges and in some cases to remove the assailant from the home.

The community response to wife assault over the past several years has been encouraging. Anderson House continues to provide a valuable service as a shelter for wife assault victims and now includes a child care programme and follow-up support group. The Transition House Association's continued emphasis on public education, together with efforts of other groups including the Interagency Committee on Domestic Violence, the West Prince Family Violence Program, Community Legal Information Association, and the Victims Committee seems to be having some impact in changing public attitudes on P.E.I. towards wife assault. Since 1984, the Turning Point Group

has provided a group treatment programme for men who batter.

The process of recognizing the special needs of sexual assault victims and working towards an adequate criminal justice response to these needs seems to be several steps behind when compared to the response regarding wife assault. However, the P.E.I. Rape and Sexual Assault Crisis Centre has continued to develop as an organization, with a more stable funding base including funding from the provincial government, and has added support groups and a toll-free crisis line to its counselling, advocacy, and support services for victims of sexual assault.

Two efforts initiated by the Victims Committee should have considerable impact on the criminal justice system's response to both wife assault and sexual assault victims, i.e. the proposed victim assistance programme and a police training programme.

The proposed Victim Assistance Programme is the next stage of the ongoing process to improve the criminal justice system response to victims on P.E.I. The developmental phase of this programme should soon be underway. The initiation of a training programme for police officers across P.E.I., including modules on the police response to wife assault victims and sexual assault victims, is in the planning stages. As these programmes become operational, a research component to each should document and evaluate the processes used and the impact on victims and the criminal justice system. Research conducted to date should be of valuable assistance by providing baseline and midpoint comparative data bases and a rational

planning foundation for development and assessment of both these programmes.

To conclude, then, the researcher would like to emphasize that important changes have been and are being initiated, the full impact of which may not be recognized until several years hence. The criminal justice process is complex and the system slow to change. However, if improvements for victims of crime are seen as part of an ongoing, long-term process, and the province of P.E.I. continues to utilize a co-operative, co-ordinated approach in which government and community agencies work together for the benefit of crime victims, then the steps taken to date will surely prove to be substantial, innovative, and positive.

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